



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
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सं० 43] नई दिल्ली, शनिवार, अक्तूबर 28, 1995/कार्तिक 6, 1917
No. 43] NEW DELHI, SATURDAY, OCTOBER 28, 1995/KARTIKA 6, 1917

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

विधि, न्याय और कंपनी कार्य मंत्रालय

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(विधि कार्य विभाग)

(Department of Legal Affairs)

(न्यायिक अनुभाग)

(Judicial Section)

NOTICE

सूचना

New Delhi, the 5th October, 1995

नई दिल्ली, 5 अक्तूबर, 1995

का.आ. 2842.—नोटरीज नियम, 1956 के नियम 6 के अन्वय में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री बल राम धाका, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे श्रीगंगानगर जिला (राजस्थान) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

S.O. 2842.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Bal Ram Dhaka, Advocate for appointment as a Notary to practise in Sriganganagar District (Rajasthan).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[सं. 5(178)/95—न्यायिक]

[No. F. 5(178)/95-Judl.]

पी. सी. कन्नन, सक्षम प्राधिकारी

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 5 अक्टूबर, 1995

का.आ. 2843.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में मध्यम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री प्रद्युम्न रशीद खान एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे फतेहपुर जिला सीकर (राजस्थान) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5(179)/95—न्यायिक]

पी. सी. कण्णन्, मध्यम प्राधिकारी

NOTICE

New Delhi, the 5th October, 1995

S.O. 2843.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Abdul Rashid Khan, Advocate for appointment as a Notary to practise in Fatehpur, District Sikar (Rajasthan).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(179)/95-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 6 अक्टूबर, 1995

का.आ. 2844.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में मध्यम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री सुखवीर सिंह काशिक एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे बागपत (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5(180)/95—न्यायिक]

पी. सी. कण्णन्, मध्यम प्राधिकारी

NOTICE

New Delhi, the 6th October, 1995

S.O. 2844.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules by Shri Sukhbir Singh Kaushik, Advocate for appointment as a Notary to practise in Baghpat (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(180)/95-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 6 अक्टूबर, 1995

का.आ. 2845.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में मध्यम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री दिलीप कुमार घोष एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन

एक आवेदन इस बात के लिए दिया है कि उसे बैंक शाल स्ट्रीट बंगाला (पश्चिम बंगाल) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5(181)/95—न्यायिक]

पी. सी. कण्णन्, मध्यम प्राधिकारी

NOTICE

New Delhi, the 6th October, 1995

S.O. 2845.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Dalip Kumar Ghosh, Advocate for appointment as a Notary to practise in Bankshall Street, Calcutta (West Bengal).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(181)/95-Judl.]

P. C. KANNAN, Competent Authority

बिस्म संज्ञालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 29 सितम्बर, 1995

स्टाम्प

का.आ. 2846.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उन शक्तियों को माफ करती है जो महानगर टेलीफोन निगम लिमिटेड नई दिल्ली द्वारा जारी किए गए एक हजार एक सौ पचाहत्तर सैरिंग के मूल्य के 1 से 11750000 तक की विशिष्ट संख्या वाले अपरिवर्तनीय कराधेय बॉन्ड-1993 (10वीं श्रृंखला) के रूप में अंकित ऋण पत्रों के स्वरूप के बॉन्डों पर उक्त अधिनियम के तहत प्रभावी है।

[सं. 21/95-स्टाम्प-का. सं. 33/39/94-बि. क.]

सतीश कुमार, सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 29th September, 1995

STAMPS

S.O. 2846.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of debentures described as Non-Convertible Taxable bonds—1993 (10th Series) bearing Districtive Nos. 1 to 11750000 of the value of Rupees One Thousand One Hundred and Seventy Five Crores (1175 crores) only issued by Mahanagar Telephone Nigam Limited, New Delhi are chargeable under the said Act.

[No. 21/95-Stamp-F. No. 33/39/94-ST]
SATISH KUMAR, Under Secy.

सार्वजनिक प्रति, उपभोक्ता मामले और सांख्यिक वितरण मंत्रालय		(1)	(2)	(3)	(4)
भारतीय मानक ब्यूरो नई दिल्ली, 9 अक्टूबर, 1995		17. आईएस 3258:1980	संशोधन सं. 2, जून, 1995		1995-06-30
का प्रा. 2847.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड 'ख' के अनुसरण में भारतीय मानक ब्यूरो एनूब्रां अधिसूचित करता है कि नीचे दिए गए मानक (को) में संशोधन किया गया है/किये गये हैं।		18. आईएस 7168:1974	संशोधन सं. 1, जुलाई 1995		1995-07-31
अनुसूची		19. आईएस 8066:1976	संशोधन सं. 1, जुलाई 1995		1995-07-31
क्रम संशोधित भारतीय मानक सं. मानक की संख्या और वर्ष		20. आईएस 8133:1983	संशोधन सं. 1, अगस्त 1995		1995-08-31
(1)		21. आईएस 8144:1976	संशोधन सं. 8, जुलाई 1995		1995-07-31
(2)		22. आईएस 8250:1988	संशोधन सं. 1, जुलाई 1995		1995-07-31
(3)		23. आईएस 9128: 1979	संशोधन सं. 4, जुलाई, 1995		1995-07-31
(4)		24. आईएस 9599: 1980	संशोधन सं. 1, जुलाई, 1995		1995-07-31
1. आईएस 435: 1973	संशोधन सं. 3, अगस्त 1995	25. आईएस 9867: 1981	संशोधन सं. 1, अगस्त, 1995		1995-08-31
2. आईएस 543:1968	संशोधन सं. 5, अगस्त, 1995	26. आईएस 10147 1982	संशोधन सं. 1, जुलाई, 1995		1995-07-31
3. आईएस 623:1993	संशोधन सं. 1, अगस्त 1995	27. आईएस 10165: 1982	संशोधन सं. 1, जुलाई, 1995		1995-07-31
4. आईएस 629:1988	संशोधन सं. 1, अगस्त, 1995	28. आईएस 10273: 1987	संशोधन सं. 1, जुलाई, 1995		1995-08-31
5. आईएस 630:1982	संशोधन सं. 3, अगस्त, 1995	29. आईएस 10644: 1983	संशोधन सं. 1, अगस्त, 1995		1995-08-31
6. आईएस 646:1986	संशोधन सं. 1, जुलाई 1995	30. आईएस 19670: 1983	संशोधन सं. 1, जुलाई, 1995		1995-07-31
7. आईएस 1038:1983	संशोधन सं. 2, जुलाई 1995	31. आईएस 10671: 1983	संशोधन सं. 2, जुलाई, 1995		1995-07-31
8. आईएस 1293:1988	संशोधन सं. 4, जुलाई 1995	32. आईएस 10672: 1983	संशोधन सं. 2, जुलाई, 1995		1995-07-31
9. आईएस 1712:1982	संशोधन संख्या 1, जुलाई 1995	33. आईएस 10741: 1983	संशोधन सं. 1, जुलाई, 1995		1995-07-31
10. आईएस 1935:1982	संशोधन संख्या 1, जुलाई 1995	34. आईएस 11372: 1985	संशोधन सं. 1, अगस्त, 1995		1995-08-31
11. आईएस 2015:1977	संशोधन संख्या 1, जुलाई 1995	35. आईएस 11822: 1986	संशोधन सं. 1, अगस्त, 1995		1995-08-31
12. आईएस 2151:1985	संशोधन संख्या 1, जुलाई 1995	36. आईएस 12224: 1987	संशोधन सं. 1, अगस्त, 1995		1995-08-31
13. आईएस 2153:1985	संशोधन संख्या 1, जुलाई 1995	37. आईएस 12354: 1988	संशोधन सं. 2, जून, 1995		1995-06-30
14. आईएस 2312:1967	संशोधन सं. 7, अगस्त 1995	38. आईएस 12852: 1989	संशोधन सं. 1, अगस्त, 1995		1995-08-31
15. आईएस 2415:1992	संशोधन संख्या 1, अगस्त, 1995	39. आईएस 13592: 1992	संशोधन सं. 1, जुलाई, 1995		1995-07-31
16. आईएस 2422:1986	संशोधन सं. 1, अगस्त, 1995	40. आईएस 13851: 1993	संशोधन सं. 1, जुलाई, 1995		1995-07-31

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, महादुरभाऊ जकर मार्ग, नई दिल्ली—110002 और क्षेत्रीय कार्यालयों बम्बई, कलकत्ता, जयपुर तथा मद्रास और माखा कार्यालयों अहमदाबाद, बंगलौर, कोयंबटूर, कोयंबटूर, फरीदाबाद, गाजियाबाद, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, लखनऊ, पटना तथा बिरुनगर पुरम में वित्री हेतु उपलब्ध है।

[सं. के. प्र. वि./ 13: 5]

एम. के. कर्मकार, अपर सहायिदेशक

MINISTRY OF CIVIL SUPPLIES, CONSUMER
AFFAIRS AND PUBLIC DISTRIBUTION

(Department of Civil Supplies)

BUREAU OF INDIAN STANDARDS

New Delhi, the 6th October, 1995

S.O. 2847 :—In pursuance of clause (b) of Sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules 1987, the Bureau of Indian Standards, hereby notifies that amendment(s) to the Indian Standard(s) given in the Schedule hereto annexed, has/have been issued.

SCHEDULE

Sl. No. and year of No. the Indian Standard amended	No. and date of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)
1. IS 435 : 1973	Amendment No. 3, August 1995	1995-08-31
2. IS 543 : 1968	Amendment No. 5, August 1995	1995-08-31
3. IS 623 : 1993	Amendment No. 1, August 1995	1995-08-31
4. IS 629 : 1988	Amendment No. 1, August 1995	1995-08-31
5. IS 630 : 1982	Amendment No. 3, August 1995	1995-08-31
6. IS 646 : 1986	Amendment No. 1, July 1995	1995-07-31
7. IS 1038 : 1983	Amendment No. 2, July 1995	1995-07-31
8. IS 1293 : 1988	Amendment No. 4, July 1995	1995-07-31
9. IS 1712 : 1982	Amendment No. 1, July 1995	1995-07-31
10. IS 1935 : 1982	Amendment No. 1, July 1995	1995-07-31
11. IS 2015 : 1977	Amendment No. 1, July 1995	1995-07-31
12. IS 2151 : 1985	Amendment No. 1, July 1995	1995-07-31
13. IS 2153 : 1985	Amendment No. 1, July 1995	1995-07-31

(1)	(2)	(3)	(4)
14.	IS 2312 : 1967	Amendment No. 7, August 1995	1995-08-31
15.	IS 2415 : 1992	Amendment No. 1, August 1995	1995-08-31
16.	IS 2422 : 1985	Amendment No. 1, August 1995	1995-08-31
17.	IS 3258 : 1980	Amendment No. 1, June 1995	1995-06-30
18.	IS 7468 : 1974	Amendment No. 1, July 1995	1975-07-31
19.	IS 8066 : 1976	Amendment No. 1, July 1995	1995-07-31
20.	IS 8133 - 1983	Amendment No. 1, August 1995	1995-08-31
21.	IS 8144 : 1976	Amendment No. 8, July 1995	1995-07-31
22.	IS 8250 : 1988	Amendment No. 1, July 1995	1995-07-31
23.	IS 9128 : 1979	Amendment No. 4, July 1995	1995-07-31
24.	IS 9599 : 1980	Amendment No. 1, July 1995	1995-07-31
25.	IS 9867 : 1981	Amendment No. 1, August 1995	1995-08-31
26.	IS 10147 : 1982	Amendment No. 1, July 1995	1995-07-31
27.	IS 10165 : 1982	Amendment No. 1, July 1995	1995-07-31
28.	IS 10273 : 1987	Amendment No. 1, August 1995	1995-08-31
29.	IS 10644 : 1983	Amendment No. 1, August 1995	1995-08-31
30.	IS 19670 : 1983	Amendment No. 1, July 1995	1995-07-31
31.	IS 10671 : 1983	Amendment No. 2, July 1995	1995-07-31
32.	IS 10672 : 1983	Amendment No. 2, July 1995	1995-07-31
33.	IS 10741 : 1983	Amendment No. 1, July 1995	1995-07-31
34.	IS 11372 : 1985	Amendment No. 1, August 1995	1995-08-31
35.	IS 11822 : 1986	Amendment No. 1, August 1995	1995-08-31
36.	IS 12224 : 1987	Amendment No. 1, August 1995	1995-08-31
37.	IS 12354 : 1988	Amendment No. 2, June 1995	1995-06-30
38.	IS 12852 : 1989	Amendment No. 1, August 1995	1995-08-31
39.	IS 13592 : 1992	Amendment No. 1, July 1995	1995-07-31
40.	IS 13851 : 1993	Amendment No. 1, July 1995	1995-07-31

Copies of these amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Calcutta, Chandigarh, Madras and Bombay and also Branch Offices : Ahmadabad, Bangalore, Bhopal,

Bhubaneswar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Patna, Thiruvananthapuram.

[No. CMD/13 : 5]

S.K. KARMAKAR, Addl. Director General

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 10 अक्टूबर, 1995

का. अ. 2848.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि आन्ध्र प्रदेश राज्य में विशाखापतनम से विजयवाड़ा तक पेट्रोलियम उत्पादों के विशाखा-विजयवाड़ा से होकर परिवहन के लिए पाइप लाइन हिन्दुस्तान पेट्रोलियम कारपोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए।

और यह प्रतीत होता है कि उक्त पाइप लाइन के बिछाए जाने के प्रयोजन के लिए यह आवश्यक है कि इस अधिसूचना में उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित कर लिया जाए।

अतः अब केन्द्रीय सरकार पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें के उपयोग के अधिकार का अर्जन करने के अपने आशय को घोषणा करती है,

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीख से, जिससे भारत के राजपत्र में यथा प्रकाशित अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, 21 दिन के भीतर भूमि में के उपयोग के अधिकार के अर्जन या भूमि के नीचे पाइपलाइन बिछाए जाने के प्रति लिखित रूप में आपत्ति, सक्षम प्राधिकारी, विशाखा-विजयवाड़ा पाइप लाइन परियोजना हिन्दुस्तान पेट्रोलियम कारपोरेशन लिमिटेड, डी. सं. 7-20-7, प्लॉट सं. 1, किलम्पडि लेआउट, विशाखापतनम-530023, आन्ध्र प्रदेश को कर सकता है।

अनुसूची

विशाखापतनम - विजयवाड़ा पाइप लाइन परियोजना

हिन्दुस्तान पेट्रोलियम कारपोरेशन लिमिटेड

मंडल : पेन्डुर्ति

राज्य : आन्ध्र प्रदेश

जिला : विशाखापतनम

ग्राम	सर्वे नं./ सब डिविजन	हेक्टर.	क्षेत्रफल आर	एकड़	मेंट
1	2	3	4	5	6
नरवा	477/3 भाग	00	01.0	00	02
	477/4 "	00	12.5	00	31
	477/5 "	00	05.5	00	13
	478/8 "	00	02.5	00	06
	478/12 "	00	01.0	00	02
	478/14 "	00	02.0	00	05
	485/1 "	00	13.5	00	33
	485/11ए "	00	04.0	00	10
	479/1 "	00	01.0	00	02
	479/6ए "	00	18.5	00	46
	479/8ए "	00	02.0	00	05
	479/8सी "	00	03.0	00	07
	483/1 "	00	01.0	00	02

1	2	3	4	5	6
नरवा (संतन)	48 3/2 भाग	00	08.0	00	20
	48 3/3 "	00	05.0	00	12
	48 0/1 "	00	03.0	00	07
	48 0/2 "	00	08.0	00	20
	48 1/8 "	00	05.5	00	13
	48 1/9 "	00	03.0	00	07
	48 1/10 "	00	01.0	00	02
	409/1 "	00	05.5	00	13
	409/2 "	00	07.0	00	17
	409/4 "	00	04.0	00	10
	409/5 "	00	06.5	00	16
	409/7 "	00	04.0	00	10
	409/8 "	00	05.0	00	12
	409/9 "	00	02.0	00	05
	410/1 "	00	01.0	00	03
	410/2 "	00	11.0	00	27
	415/1 "	00	04.5	00	11
	415/2 "	00	02.0	00	05
	415/3 "	00	01.0	00	02
	415/4 "	00	03.5	00	09
	415/5 "	00	04.5	00	11
	415/6 "	00	03.0	00	08
	415/9ए "	00	02.0	00	05
	416/1 "	00	14.5	00	36
	441/ "	00	01.0	00	03
	417/ "	00	09.0	00	22
	418/8 "	00	02.0	00	05
	418/10 "	00	00.5	00	01
	418/13 "	00	01.0	00	03
	418/14 "	00	06.0	00	15
	418/15 "	00	00.5	00	01
	421/10 "	00	01.5	00	04
	421/11 "	00	08.0	00	20
	421/15 "	00	00.5	00	01
	421/16 "	00	06.5	00	16
	421/20 "	00	01.0	00	02
	421/21 "	00	03.0	00	08
	421/22 "	00	02.0	00	05
	420/10 "	00	07.0	00	17
	420/12 "	00	04.0	00	10
	420/15 "	00	09.0	00	22
	420/16 "	00	03.0	00	07
	420/17 "	00	01.0	00	02
	315/23 "	00	01.0	00	03
	315/25 "	00	05.5	00	13
	315/24 "	00	01.0	00	02

1	2	3	4	5	6
नरना (संतत)	316/4 भाग	00	00.5	00	01
	316/5 "	00	07.5	00	18
	316/6 "	00	02.5	00	06
	316/7 "	00	03.0	00	07
	316/8 "	00	01.0	00	03
	316/9 "	00	02.0	00	05
	316/10 "	00	03.0	00	08
	316/11 "	00	03.0	00	08
	316/12 "	00	00.5	00	01
	316/17 "	00	04.0	00	10
	316/22 "	00	00.5	00	01
	317/5 "	00	01.0	00	02
	317/6 "	00	04.0	00	10
	317/7 "	00	01.0	00	02
	317/8 "	00	05.0	00	12
	317/9 "	00	01.0	00	02
	318 "	00	08.0	00	20
	319/4 "	00	52.0	01	28
	7/1 "	00	23.5	00	58
	7/3 "	00	24.5	00	60
	7/4एम "	00	44.0	01	09
	24/1 "	00	11.5	00	29
	24/3 "	00	39.5	00	98
	24/4 "	00	14.0	00	35
	26/ "	00	00.5	00	01
	28/1 "	00	21.5	00	53
	57/ "	00	18.0	00	45
	54/1 "	00	14.5	00	36
	61/ "	00	18.0	00	45
	477/6 "	00	00.5	00	01
	27/11 "	00	04.5	00	11
जेरिपोतुलापालेम	76/ "	00	78.0	01	93
	82/1 "	00	18.0	00	45
	82/2 "	00	07.0	00	17
	82/3 "	00	02.0	00	05
	81/1 "	00	16.0	00	40
	76/3 "	00	21.0	00	52
	76/5 "	00	00.5	00	01
	76/6 "	00	08.0	00	20
	80/3 "	00	11.0	00	27
	80/4 "	00	15.0	00	37
जेरिपोतुलापालेम (संतत)	79/7 भाग	00	12.0	00	30
	79/9 "	00	08.0	00	20
	79/10 "	00	01.0	00	02
	79/13 "	00	02.0	00	08
	79/14 "	00	02.0	00	05
	79/15 "	00	02.0	00	05

1	2	3	4	5	6
	79/16 भाग	00	02.0	00	05
	79/18 "	00	00.5	00	01
	78/1 "	00	31.0	00	76
	74/4 "	00	01.0	00	02
	74/5 "	00	00.5	00	01
	74/6 "	00	00.5	00	01
	74/7 "	00	12.0	00	30
चित्तगढ़ला	79/3 "	00	16.0	00	40
	83/2 "	00	04.0	00	10
	83/3 "	00	04.5	00	11
	83/4 "	00	04.5	00	11
	83/5 "	00	04.5	00	11
	83/6 "	00	04.5	00	11
	83/7 "	00	04.5	00	11
	83/8 "	00	04.5	00	11
	83/9 "	00	04.5	00	11
	83/10 "	00	04.5	00	11
	84/4 "	00	21.0	00	52
	84/5 "	00	04.5	00	11
चित्तगढ़ला (संतत)	85/1 "	00	05.5	00	13
	85/2 "	00	05.5	00	13
	85/3 "	00	05.5	00	13
	85/4 "	00	05.5	00	13
	85/5 "	00	05.5	00	13
	85/6 "	00	05.5	00	13
	86/1 "	00	01.5	00	04
	86/2 "	00	12.0	00	30
	86/3 "	00	06.0	00	15
	86/4 "	00	06.0	00	15

[सं. प्रार- 31015/2/95-ओप्रार-II]

एच सी. खुराना, प्रवर सचिव

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 10th October, 1995

S.O. 2848 :—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from Visakhapatnam to Vijayawada in the State of Andhra Pradesh through VISAKHA-VIJAYAWADA pipeline should be laid by the Hindustan Petroleum Corporation Limited.

And whereas it appears that for the purpose of laying the said pipeline it is necessary to acquire the right of user in the land described in the schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of user in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of the notification has published in the Gazette of India, are made available to the general public, object

in-writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Visakha-Vijaywada Pipeline Project. Hindustan Petroleum Corporation Limited, D. No. 7—20—7, Plot No.1, Kirlampudi Layout, Visakhapatnam—530 023, Andhra Pradesh.

SCHEDULE

VISAKHA-VIJAYAWADA PIPELINE PROJECT
HINDUSTAN PETROLEUM CORPORATION LIMITED

MANDAL : PENDURTI

DISTRICT : VISAKHAPATNAM

STATE : ANDHRA PRADESH

Page No. 1

Name of Village	Survey No./ Sub-Division	AREA			
		Hec.	Area	Acre	CTS
1	2	3	4	5	6
NARAVA	477/3 Part	00	01.0	00	02
	477/4 ..	00	12.5	00	31
	477/5 ..	00	05.5	00	13
	478/8 ..	00	02.5	00	06
	478/12 ..	00	01.0	00	02
	478/14 ..	00	02.0	00	05
	485/1 ..	00	13.5	00	33
	485/11A ..	00	04.0	00	10
	479/1 ..	00	01.0	00	02
	479/6A ..	00	18.5	00	46
	479/8A ..	00	02.0	00	05
	479/8C ..	00	03.0	00	07
	483/1 ..	00	01.0	00	02
	483/2 ..	00	08.0	00	20
	483/3 ..	00	05.0	00	12
	480/1 ..	00	03.0	00	07
	480/2 ..	00	08.0	00	20
	481/8 ..	00	05.5	00	13
	481/9 ..	00	03.0	00	07
	481/10 ..	00	01.0	00	02
	409/1 ..	00	05.5	00	13
	409/2 ..	00	07.0	00	17
	409/4 ..	00	04.0	00	10
	409/5 ..	00	06.5	00	16
	409/7 ..	00	04.0	00	10
	409/8 ..	00	05.0	00	12
	409/9 ..	00	02.0	00	05
	410/1 ..	00	01.0	00	03
	410/2 ..	00	11.0	00	27
	415/1 ..	00	04.5	00	11
	415/2 ..	00	02.0	00	05
	415/3 ..	00	01.0	00	02
	415/4 ..	00	03.5	00	09
	415/5 ..	00	04.5	00	11
	415/6 ..	00	03.0	00	08
	415/9A ..	00	02.0	00	05

	2	3	4	5	6
Narava—(Contd.)	416/1 Part	00	14.5	00	36
	441/ ..	00	01.0	00	03
	417/ ..	00	09.0	00	22
	418/8 ..	00	02.0	00	05
	418/10 ..	00	00.5	00	01
	418/13 ..	00	01.0	00	03
	418/14 ..	00	06.0	00	15
	418/15 ..	00	00.5	00	01
	421/10 ..	00	01.5	00	04
	421/11 ..	00	08.0	00	20
	421/15 ..	00	00.5	00	01
	421/16 ..	00	06.5	00	16
	421/20 ..	00	01.0	00	02
	421/21 ..	00	03.0	00	08
	421/22 ..	00	02.0	00	05
	420/10 ..	00	07.0	00	17
	420/12 ..	00	04.0	00	10
	420/15 ..	00	09.0	00	22
	420/16 ..	00	03.0	00	07
	420/17 ..	00	01.0	00	02
	315/23 ..	00	01.0	00	03
	315/25 ..	00	05.5	00	13
	315/24 ..	00	01.0	00	02
	316/4 ..	00	00.5	00	01
	316/5 ..	00	07.5	00	18
	316/6 ..	00	02.5	00	06
	316/7 ..	00	03.0	00	07
	316/8 ..	00	01.0	00	03
	316/9 ..	00	02.0	00	05
	316/10 ..	00	03.0	00	08
	316/11 ..	00	03.0	00	08
	316/12 ..	00	00.5	00	01
	316/17 ..	00	04.0	00	10
	316/22 ..	00	00.5	00	01
	317/5 ..	00	01.0	00	02
	317/6 ..	00	04.0	00	10
	317/7 ..	00	01.0	00	02
	317/8 ..	00	05.0	00	12
	317/9 ..	00	01.0	00	02
	318/ ..	00	08.0	00	20
	319/4 ..	00	52.0	01	28
	7/1 ..	00	23.5	00	58
	7/3 ..	00	24.5	00	60
	7/4M ..	00	44.0	01	09
	24/1 ..	00	11.5	00	29
	24/3 ..	00	39.5	00	98
	24/4 ..	00	14.0	00	35
	26/ ..	00	00.5	00	01
	28/1 ..	00	21.5	00	53
	57/ ..	00	18.0	00	45
	54/1 ..	00	14.5	00	36
	61/ ..	00	18.0	00	45
	477/3 ..	00	00.5	00	01
	27/11 ..	00	04.5	00	11

1	2	3	4	5	6
Jerripotulapalem	76 Part	00	78.0	01	93
	82/1 ..	00	18.0	00	45
	82/2 ..	00	07.0	00	17
	82/3 ..	00	02.0	00	05
	81/1 ..	00	16.0	00	40
	76/3 ..	00	21.0	00	52
	76/5 ..	00	00.5	00	01
	76/6 ..	00	08.0	00	20
	80/3 ..	00	11.0	00	27
	80/4 ..	00	15.0	00	37
	79/7 ..	00	12.0	00	30
	79/9 ..	00	08.0	00	20
	79/10 ..	00	01.0	00	02
	79/13 ..	00	02.0	00	05
	79/14 ..	00	02.0	00	05
	79/15 ..	00	02.0	00	05
	79/16 ..	00	02.0	00	05
	79/18 ..	00	00.5	00	01
	78/1 ..	00	31.0	00	76
	74/4 ..	00	01.0	00	02
	74/5 ..	00	00.5	00	01
	74/6 ..	00	00.5	00	01
	74/7 ..	00	12.0	00	30
Chintagatla	79/3 ..	00	16.0	00	40
	83/2 ..	00	04.0	00	10
	83/3 ..	00	04.5	00	11
	83/4 ..	00	04.5	00	11
	83/5 ..	00	04.5	00	11
	83/6 ..	00	04.5	00	11
	83/7 ..	00	04.5	00	11
	83/8 ..	00	04.5	00	11
	83/9 ..	00	04.5	00	11
	83/10 ..	00	04.5	00	11
	84/4 ..	00	21.0	00	52
	84/5 ..	00	04.5	00	11
	85/1 ..	00	05.5	00	13
	85/2 ..	00	05.5	00	13
	85/3 ..	00	05.5	00	13
	85/4 ..	00	05.5	00	13
	85/5 ..	00	05.5	00	13
	85/6 ..	00	05.5	00	13
	86/1 ..	00	01.5	00	04
	86/2 ..	00	12.0	00	30
	86/3 ..	00	06.0	15	15
	86/4 ..	00	06.0	00	15

[F. No : R-31015/2195/OR-II]

H. C. KHURANA, Under Secy.

नई दिल्ली, 10 अक्तूबर, 1995

का.आ. 2849.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि आन्ध्र प्रदेश राज्य में विशाखापत्तनम से विजयवाड़ा तक पेट्रोलियम उत्पादों के विशाखा-विजयवाड़ा गे हांकर परिवहन के लिये पाइप लाईन हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा बिछाई जानी चाहिये।

और यह प्रतीत होता है कि उक्त पाइप लाईन के बिछाए जाने के प्रयोजन के लिये यह आवश्यक है कि इस अधिसूचना से उपायुक्त अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित कर लिया जाये।

अतः अब केन्द्रीय सरकार पेट्रोलियम और खनिज पाइप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उसमें के उपयोग के अधिकार का अर्जन करने के अपने आणय की घोषणा करती है,

उक्त अनुसूची में वर्णित भूमि में हितवद्ध कोई व्यक्ति उस तारीख से, जिससे भारत के राजपत्र में यथा प्रकाशित अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, 21 दिन के भीतर भूमि में के उपयोग के अधिकार के अर्जन या भूमि के नीचे पाइपलाइन बिछाए जाने के प्रति लिखित रूप में शपथ, सश्रम प्राधिकारी, विशाखा-विजयवाड़ा पाइपलाइन परियोजना, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, डी.सं. 7-20-7, प्लॉट सं 1, किलमपूडि लेआउट, विशाखापत्तनम-530023, आन्ध्र प्रदेश, का कर सकता है।

अनुसूची

विशाखा-विजयवाड़ा पाइप लाईन परियोजना

हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड

मंडल : सब्बरम

जिला : विशाखापत्तनम

राज्य : आन्ध्र प्रदेश

ग्राम	सर्वे नं./सब डिविजन	हेक्टेयर	आर	क्षेत्रफल एकड़	सेन्ट
नरपाड	189/ भाग	00	47.0	01	16
	211/ "	00	09.0	00	22
	187/17 "	00	09.5	00	02
	187/30 "	00	01.5	00	04
	187/31 "	00	05.5	00	13
	187/33 "	00	00.5	00	01
	185/2 "	00	00.5	00	01
	185/7 "	00	00.5	00	01
	185/10 "	00	01.5	00	04
	185/11 "	00	08.5	00	21
	185/12 "	00	00.5	00	01
	183/2 "	00	02.5	00	06
	183/3 "	00	02.0	00	05
	183/5 "	00	03.0	00	08
	183/6 "	00	00.5	00	01
	183/8 "	00	02.0	00	05
	183/9 "	00	00.5	00	01
	183/21 "	00	01.0	00	02
	183/22 "	00	00.5	00	01
	183/23 "	00	03.5	00	09
	183/25 "	00	00.5	00	01
	183/26 "	00	06.0	00	15
	183/27 "	00	04.5	00	11

1	2	3	4	5	6
नरपाड-संतन	183/28 भाग	00	04.0	00	10
	183/29 "	00	01.0	00	03
	183/37 भाग	00	01.0	00	02
	180/16 "	00	05.0	00	12
	180/17 "	00	01.0	00	02
	180/26 "	00	03.5	00	09
	180/27 "	00	04.5	00	11
	180/30 "	00	01.0	00	02
	180/31 "	00	02.5	00	06
	180/32 "	00	04.5	00	11
	180/33 "	00	01.0	00	03
	180/35 "	00	01.0	00	03
	180/34 "	00	02.5	00	06
	227/1 एंड 2 "	00	38.5	00	95
	225/1 से 4 "	00	59.0	01	46
	226/1 से 7 "	00	77.0	01	90
	137/15 "	00	05.5	00	13
	137/16 "	00	05.5	00	13
	137/13 "	00	02.5	00	06
	137/12 "	00	03.0	00	07
	137/11 "	00	06.0	00	15
	141/1 "	00	02.0	00	05
	143/1 आर "	00	01.5	00	04
	143/1 एस "	00	05.0	00	12
	143/1 टी "	00	04.5	00	11
	143/1 डब्ल्यू "	00	07.5	00	18
	143/1 एक्स "	00	02.0	00	05
गातिभीमवरम्	21/3 भाग	00	00.5	00	01
	21/4 "	00	03.5	00	09
	21/5 "	00	05.0	00	12
	21/6 "	00	00.5	00	01
	21/7 "	00	03.0	00	07
	21/8 "	00	05.5	00	14
	21/9 "	00	09.0	00	22
	21/10 "	00	00.5	00	01
	22/18 "	00	00.5	00	01
	22/19 "	00	03.0	00	07
	22/20 "	00	02.5	00	06
	87/1 "	00	01.0	00	03
	87/2 "	00	03.0	00	08
	87/3 "	00	01.0	00	02
	86/1 "	00	04.0	00	10
	86/2 "	00	01.0	00	03

1	2	3	4	5	6
गालिधीमवरम् (संतत)	86/5 भाग	00	04.5	00	11
	86/6 "	00	00.5	00	01
	85/2 "	00	05.0	00	12
	85/4 "	00	02.0	00	05
	85/6 "	00	06.0	00	13
	85/8 "	00	05.0	00	12
	85/9 "	00	10.0	00	25
	90/1 "	00	01.5	00	04
	90/2 "	00	01.5	00	04
	90/3 "	00	02.0	00	05
	90/4 "	00	01.5	00	04
	84/4 "	00	00.5	00	01
	84/11 "	00	00.5	00	01
	84/12 "	00	01.0	00	02
	84/13 "	00	04.0	00	10
	84/14 "	00	00.5	00	01
	84/15 "	00	01.0	00	02
	84/16 "	00	00.5	00	01
	84/17 "	00	02.0	00	05
	84/18 "	00	03.0	00	07
	84/21 "	00	02.0	00	05
	78/1 "	00	06.0	00	15
	78/2 "	00	05.5	00	13
	83/3 "	00	00.5	00	01
	83/5 "	00	00.5	00	01
	83/6 "	00	02.5	00	06
	83/7 "	00	00.5	00	01
	83/8 "	00	03.0	00	08
	83/9 "	00	03.5	00	09
	83/10 "	00	08.0	00	20
	83/12सी "	00	00.5	00	01
	83/12सी "	00	06.5	00	16
	83/13 "	00	01.0	00	03
	82/1 "	00	00.5	00	01
	82/2 भाग	00	00.5	00	01
	81/1 "	00	03.5	00	09
	81/2 "	00	01.5	00	04
	81/3 "	00	00.5	00	01
	81/6 "	00	01.5	00	04
	81/7 "	00	00.5	00	01
	28/1सी "	00	03.0	00	07
	45/2 "	00	03.5	00	08
	48/1 "	00	03.0	00	08
	48/5 "	00	00.5	00	01

1	2	3	4	5	6
गालिमीमवरम् (मत्त)	48/6 भाग	00	03.0	00	08
	47/1 "	00	15.0	00	37
	47/2 "	00	03.5	00	09
	47/3 "	00	01.0	00	02
	47/4 "	00	02.5	00	06
	47/5 "	00	03.5	00	09
	47/6 "	00	03.0	00	08
	46/3 "	00	17.0	00	42
	46/4 "	00	18.0	00	44
	46/5 "	00	00.5	00	01
	46/70 च "	00	05.5	00	14
	47/71 "	00	07.5	00	19
डी. सीतारामपुरम्	7/2 "	00	42.5	01	05
	4/1 "	00	00.5	00	01
	5/2 "	00	21.0	00	52
	6/ "	00	01.0	00	03
	3/1 "	00	02.5	00	06
	3/2 "	00	11.5	00	29
	13/1 "	00	16.0	00	39
	13/2 "	00	05.5	00	14
	13/3 "	00	16.5	00	41
	13/4 "	00	10.5	00	26
	13/5 "	00	02.0	00	05
	13/7 "	00	07.5	00	18
	13/8 "	00	01.5	00	04
	15/1 "	00	37.5	00	93
	15/2 "	00	15.0	00	37
	15/3 "	00	11.5	00	28
	15/4 "	00	01.0	00	03
	22/ "	00	12.5	00	31
	24/ "	00	07.0	00	17
	26/ "	00	31.5	00	78
	25/ "	00	48.5	01	20
इरवाड़ा	3/20 "	00	05.0	00	12
	4/5 "	00	04.5	00	11
	4/6 "	00	02.0	00	05
	4/7 "	00	00.5	00	01
	4/8 "	00	01.0	00	10
	4/9 "	00	09.5	00	24
	4/10 "	00	04.0	00	10
	4/11 "	00	04.5	00	11
	5/1, 2, 3 "	00	12.0	00	30
	7/1 से 4 "	00	12.5	00	43
	8/1 से 5 "	00	26.0	00	64
	9/1 "	00	05.0	00	12

1	2	3	4	5	6
ईरुवाड़ा (संवत्)	9/6 भाग	00	03.0	00	07
	9/7 "	00	03.5	00	09
	9/8 "	00	03.5	00	09
	10/9 "	00	01.0	00	02
	10/10 "	00	00.5	00	01
	10/11 "	00	10.0	00	25
	10/17 "	00	02.5	00	06
	10/18 "	00	03.5	00	09
	10/19 "	00	00.5	00	01
	10/30 "	00	01.0	00	02
	10/31 "	00	01.5	00	04
	14/ "	00	11.5	00	28
	15/4 "	00	07.5	00	19
	18/3 "	00	06.0	00	15
	18/16 "	00	01.0	00	03
	18/17 "	00	03.5	00	09
	18/18 "	00	02.0	00	05
	18/19 "	00	00.5	00	01
	137/6 "	00	00.5	00	01
	137/8 "	00	16.0	00	40
	134/ "	00	06.5	00	16
	135/1 "	00	01.0	00	03
	135/9 "	00	03.5	00	09
	135/10 "	00	01.5	00	04
	135/12 "	00	06.0	00	15
	135/13 "	00	06.0	00	15
	135/14 "	00	01.0	00	03
	135/15 "	00	03.0	00	07
	135/19 "	00	01.5	00	04
	135/20 "	00	02.0	00	05
	135/21 "	00	02.0	00	05
	125/29 "	00	00.5	00	01
	135/30 "	00	04.0	00	10
	135/31 "	00	04.0	00	10
	135/32 "	00	03.0	00	08
	135/33 "	00	04.0	00	10
	151/1 "	00	06.0	00	15
	151/2 "	00	07.0	00	19
	151/7 "	00	04.0	00	10
	151/10 "	00	03.0	00	08
	146/1 "	00	09.5	00	24
	146/3 "	00	09.5	00	24
	146/4 "	00	06.0	00	15
	144/13 "	00	02.0	00	05
	144/14 "	00	02.5	00	06

1	2	3	4	5	6
ईरुवाड़ा (संतत)	144/15 भाग	00	03.5	00	09
	144/18 "	00	10.5	00	26
असकापल्लि	17/14 "	00	02.5	00	06
	17/16 "	00	00.5	00	01
	17/17 "	00	05.5	00	14
	17/20 "	00	02.5	00	06
	17/21 "	00	03.0	00	08
	17/22 "	00	06.0	00	15
	17/34 "	00	11.5	00	29
	20/1सी "	00	07.5	00	19
	20/2ए "	00	04.5	00	11
	20/2बी "	00	03.5	00	09
	25/1 "	00	03.0	00	08
	310/ "	00	21.5	00	53
	45/4 "	00	06.0	00	15
गोल्ललपालेम	44/1 "	00	21.0	00	52
	44/2 "	00	10.0	00	25
अमृतापुरम्	379/5 "	00	25.0	00	62
	379/6 "	00	23.0	00	57
	379/7 "	00	15.5	00	38
	374/ "	00	07.0	00	17
	371/3 "	00	04.5	00	11
	371/4 "	00	19.5	00	48
	394/2 "	00	28.0	00	69
	395/2 "	00	00.5	00	01
	395/3 "	00	06.5	00	16
अमृतापुरम् (संतत)	395/5 "	00	00.5	00	01
	350/29 "	00	10.5	00	26
	350/30 "	00	01.5	00	04
	350/31 "	00	02.0	00	05
	350/32 "	00	01.0	00	03
	350/33 "	00	02.5	00	06
	350/34 "	00	01.0	00	03
	350/35 "	00	04.5	00	11
	350/39 "	00	03.5	00	09
	350/40 "	00	02.5	00	06
	350/41 "	00	02.5	00	06
	350/42 "	00	02.5	00	06
	350/45 "	00	005.0	00	12
	350/49 "	00	01.5	00	04
	433/4 "	00	19.5	00	48
	433/5 "	00	25.0	00	63

ग्राम	सर्वे नं.	भाग	हेक्टर	आर.	क्षेत्रफल	
					एकड़	सेण्ट
अमृतापुरम् (संतन) — जारी	433/10	भाग	00	07.0	00	17
	433/11	"	00	10.0	00	25
	351/1पे	"	00	25.5	00	63
	340/2	"	00	01.0	00	02
	340/3	"	00	04.5	00	11
	340/4	"	00	02.5	00	06
	299/1	"	00	01.0	00	03
	299/2	"	00	02.0	00	05
	299/3	"	00	02.5	00	06
	299/4	"	00	03.5	00	09
	299/6	"	00	01.5	00	04
	299/7	"	00	02.0	00	05
	299/8	"	00	00.5	00	01
	299/9	"	00	04.0	00	10
	299/14	"	00	05.0	00	12
	299/20	"	00	02.0	00	05
	299/21	"	00	02.5	00	06
	299/24	"	00	03.5	00	09
	299/26	"	00	01.5	00	04
	299/27	"	00	04.5	00	11
	299/28	"	00	03.0	00	08
	299/29	"	00	05.0	00	12
	285/6	"	00	08.5	00	21
	285/7	"	00	18.0	00	45
	428/4	"	00	02.0	00	05
	428/5	"	00	03.0	00	07
	428/6	"	00	02.0	00	05
	428/7	"	00	02.0	00	05
	428/8	"	00	06.0	00	15
	428/9	"	00	04.0	00	10
	428/10	"	00	03.0	00	07
	428/11	"	00	02.0	00	05
	428/12	"	00	03.0	00	08
	428/13	"	00	02.0	00	05
	428/34	"	00	01.5	00	04
	428/35	"	00	00.5	00	01
	430/3पे	"	00	01.0	00	02
	291/2	"	00	06.0	00	15
	291/9	"	00	06.0	00	15
	291/10	"	00	02.5	00	06
	291/14	"	00	07.5	00	19
	291/15	"	00	01.0	00	02
	285/6	"	00	08.0	00	20
	285/7	"	00	19.5	00	48

[सं. आर. 31015/4/95/प्रो.आर.-II].

एच. सी. खुराना, अधर सचिव

New Delhi, 10 October, 1995

S.O.2849:—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from Visakhapatnam to Vijayawada in the State of Andhra Pradesh through Visakha - Vijayawada pipeline should be laid by the Hindustan Petroleum Corporation Limited.

And whereas it appears that for the purpose of laying the said pipeline it is necessary to acquire the right of user in the land described in the schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub section (i) of the section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of the notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Visakha-Vijayawada Pipeline Project, Hindustan Petroleum Corporation Limited, D.No. 7-20-7, Plot No. 1, Kirlampudi Layout, Visakhapatnam- 530 023, Andhra Pradesh.

SCHEDULE

Visakha-Vijayawada Pipeline Project Hindustan Petroleum Corporation Limited

Mandal : Sabbavaram District : Visakhapatnam State : Andhra Pradesh
Page No. 1

Name of the Village	Survey No./ Sub-Division	Hec	Area Arc	Acre	CTS
(1)	(2)	(3)	(4)	(5)	(6)
Narapadu	189/ Part	00	47.0	01	16
	211/ „	00	09.0	00	22
	187/17 „	00	09.5	00	24
	187/30 „	00	01.5	00	04
	187/31 „	00	05.5	00	13
	187/33 „	00	00.5	00	01
	185/2 „	00	00.5	00	01
	185/7 „	00	00.5	00	01
	185/10 „	00	01.5	00	04
	185/11 „	00	08.5	00	21
	185/12 „	00	00.5	00	01
	183/2 „	00	02.5	00	06
	183/3 „	00	02.0	00	05
	183/5 „	00	03.0	00	08
	183/6 „	00	00.5	00	01
	183/8 „	00	02.0	00	05
	183/9 „	00	00.5	00	01
	183/21 „	00	01.0	00	02
	183/22 „	00	00.5	00	01
	183/23 „	00	03.5	00	09
	183/25 „	00	00.5	00	01
	183/26 „	00	06.0	00	15
	183/27 „	00	04.5	00	11
	183/28 „	00	04.0	00	10
	183/29 „	00	01.0	00	03

1	2	3	4	5	6
Narapadu—Contd.	183/37 Part	00	01.0	00	02
	180/16 „	00	05.0	00	12
	180/17 „	00	01.0	00	02
	180/26 „	00	03.5	00	09
	180/27 „	00	04.5	00	11
	180/30 „	00	01.0	00	02
	180/31 „	00	02.5	00	06
	180/32 „	00	04.5	00	11
	180/33 „	00	01.0	00	03
	180/35 „	00	01.0	00	03
	180/34 „	00	02.5	00	06
	227/1&2 „	00	38.5	00	95
	225/1 To 4 „	00	59.0	01	46
	226/1 to 7 „	00	77.0	01	90
	137/15 „	00	05.5	00	13
	137/16 „	00	05.5	00	13
	137/13 „	00	02.5	00	06
	137/12 „	00	03.0	00	07
	137/11 „	00	06.0	00	15
	141/1 „	00	02.0	00	05
	143/1R „	00	01.5	00	04
	143/15 „	00	05.0	00	12
	143/1T „	00	04.5	00	
	143/1W „	00	07.5	00	
	143/1X	00	02.0	00	05
Galibheemavaram	21/3 Part	00	00.5	00	01
	21/4 „	00	03.5	00	09
	21/5 „	00	05.0	00	12
	21/6 „	00	00.5	00	01
	21/7 „	00	03.0	00	07
	21/8 „	00	05.5	00	14
	21/9 „	00	09.0	00	22
	21/10 „	00	00.5	00	01
	22/18 „	00	00.5	00	01
	22/19 „	00	03.0	00	07
	22/20 „	00	02.5	00	06
	87/1 „	00	01.0	00	03
	87/2 „	00	03.0	00	08
	87/3 „	00	01.0	00	02
	86/1 „	00	04.0	00	10
	86/2 „	00	01.0	00	03
	86/5 „	00	04.5	00	11
	86/6 „	00	00.5	00	01
	85/2 „	00	05.0	00	12
	85/4 „	00	02.0	00	05
	85/6 „	00	06.0	00	13
	85/8 „	00	05.0	00	12
	85/9 „	00	10.0	00	25
	90/1 „	00	01.5	00	04
	90/2 „	00	01.5	00	04

1	2	3	4	5	6
G. Bheemavaram (Contd.)	90/3 Part	00	02.0	00	05
	90/4 "	00	01.5	00	04
	84/4 "	00	00.5	00	01
	84/11 "	00	00.5	00	01
	84/12 "	00	01.0	00	02
	84/13 "	00	04.0	00	10
	84/14 "	00	00.5	00	01
	84/15 "	00	01.0	00	02
	84/16 "	00	00.5	00	01
	84/17 "	00	02.0	00	05
	84/18 "	00	03.0	00	07
	84/21 "	00	02.0	00	05
	78/1 "	00	06.0	00	15
	78/2 "	00	05.5	00	13
	83/3 "	00	00.5	00	01
	83/5 "	00	00.5	00	01
	83/6 "	00	02.5	00	06
	83/7 "	00	00.5	00	01
	83/8 "	00	03.00	00	08
	83/9 "	00	03.5	00	09
	83/10 "	00	08.0	00	20
	83/12B "	00	00.5	00	01
	83/12C "	00	06.5	00	16
	83/13 "	00	01.0	00	03
	82/1 "	00	00.5	00	01
	82/2 Part	00	00.5	00	01
	81/1 "	00	03.5	00	09
	81/2 "	00	01.5	00	04
	81/3 "	00	00.5	00	01
	81/6 "	00	01.5	00	04
	81/7 "	00	00.5	00	01
	28/1B "	00	03.0	00	07
	45/2 "	00	03.5	00	08
	48/1 "	00	03.0	00	08
	48/5 "	00	00.5	00	01
	48/6 "	00	03.0	00	08
	47/1 "	00	15.0	00	37
	47/2 "	00	03.5	00	09
	47/3 "	00	01.0	00	02
	47/4 "	00	02.5	00	06
	47/5 "	00	03.5	00	09
	47/6 "	00	03.0	00	08
	46/3 "	00	17.0	00	42
	46/4 "	00	18.0	00	44
	46/5 "	00	00.5	00	01
	46/7H "	00	05.5	00	14
	46/7I "	00	07.5	00	19
D. Sitaramapuram	7/2 "	00	42.5	01	05
	4/1 "	00	00.5	00	01
	5/2 "	00	21.0	00	52

1	2	3	4	5	6
D. Sitaramapuram (Contd.)	6/ Part	00	01.0	00	03
	3/1 "	00	02.5	00	06
	3/2	00	11.5	00	29
	13/1 "	00	16.0	00	39
	13/2 "	00	05.5	00	14
	13/3 "	00	16.5	00	41
	13/4 "	00	10.5	00	26
	13/5	00	02.0	00	05
	13/7	00	07.5	00	18
	13/8 "	00	01.5	00	04
	15/1 "	00	37.5	00	93
	15/2 "	00	15.0	00	87
	15/3 "	00	11.5	00	28
	15/4 "	00	01.0	00	03
	22/ "	00	12.5	00	31
	24/ "	00	07.0	00	17
	26/ "	00	31.5	00	78
	25/ "	00	48.5	01	20
Iruvada	3/2A "	00	05.0	00	12
	4/5 "	00	04.5	00	11
	4/6 "	00	02.0	00	05
	4/7 "	00	00.5	00	01
	4/8 "	00	04.0	00	10
	4/9 "	00	09.5	00	24
	4/10 "	00	04.0	00	10
	4/11 Part	00	04.5	00	11
	5/1, 2, 3 "	00	12.0	00	30
	7/1 to 4 "	00	17.5	00	43
	8/1 to 5 "	00	26.0	00	64
	9/1 "	00	05.0	00	12
	9/6 "	00	03.0	00	07
	9/7	00	03.5	00	09
	9/8 "	00	03.5	00	09
	10/9 "	00	01.0	00	02
	10/10 "	00	00.5	00	01
	10/11 "	00	10.0	00	25
	10/17 "	00	02.5	00	06
	10/18 "	00	03.5	00	09
	10/19 "	00	00.5	00	01
	10/30 "	00	01.0	00	02
	10/31 "	00	01.5	00	04
	14/ "	00	11.5	00	28
	15/4 "	00	07.5	00	19
	18/3 "	00	06.0	00	15
	18/16 "	00	01.0	00	03
	18/17 "	00	03.5	00	09
	18/18 "	00	02.0	00	05
	18/19 "	00	00.5	00	01
	137/6 "	00	00.5	00	01
	137/8 "	00	16.0	00	40

1	2	3	4	5	6
Iruvada (Contd.)	134/ Part	00	06.5	00	16
	135/1 "	00	01.0	00	03
	135/9 "	00	03.5	00	09
	135/10 "	00	01.5	00	04
	135/12 "	00	06.0	00	15
	135/13 "	00	06.0	00	15
	135/14 "	00	01.0	00	03
	135/15 "	00	03.0	00	07
	135/19 "	00	01.5	00	04
	135/20 "	00	02.0	00	05
	135/21 "	00	02.0	00	05
	135/29 "	00	00.5	00	01
	135/30 "	00	04.0	00	10
	135/31 "	00	04.0	00	10
	135/32 "	00	03.0	00	08
	135/33 "	00	04.0	00	10
	151/1 "	00	06.0	00	15
	151/2 "	00	07.0	00	19
	151/7 "	00	04.0	00	10
	151/10 "	00	03.0	00	08
	146/1 "	00	09.5	00	24
	146/3 "	00	09.5	00	24
	146/4 "	00	06.0	00	15
	144/13 "	00	02.0	00	05
	144/14 "	00	02.5	00	06
	144/15 Part	00	03.5	00	09
	144/18 "	00	10.5	00	26
Asakapalli	17/14 "	00	02.5	00	06
	17/16 "	00	00.5	00	01
	17/17 "	00	05.5	00	14
	17/20 "	00	02.5	00	06
	17/21 "	00	03.0	00	08
	17/22 "	00	06.0	00	15
	17/34 "	00	11.5	00	29
	20/IC "	00	07.5	00	19
	20/2A "	00	04.5	00	11
	20/2B "	00	03.5	00	09
	25/1 "	00	03.0	00	08
	310/ "	00	21.5	00	53
Gollalpalem	45/4 "	00	06.0	00	15
	44/1 "	00	21.0	00	52
	44/2 "	00	10.0	00	25
Amrutapuram	379/5 "	00	25.0	00	62
	379/6 "	00	23.0	00	57
	379/7 "	00	15.5	00	38
	374/ "	00	07.0	00	17
	371/3 "	00	04.5	00	11
	371/4 "	00	19.5	00	48
	394/2 "	00	28.0	00	69
	395/2 "	00	00.5	00	01

1	2	3	4	5	6
Amrutapuram —(Contd.)	395/3 Part	00	06.5	00	16
	395/5 "	00	00.5	00	01
	350/29 "	00	10.5	00	26
	350/30 "	00	01.5	00	04
	350/31 "	00	02.0	00	05
	350/32 "	00	01.0	00	03
	350/33 "	00	02.5	00	06
	350/34 "	00	01.0	00	03
	350/35 "	00	04.5	00	11
	350/39 "	00	03.5	00	09
	350/40 "	00	02.5	00	06
	350/41 "	00	02.5	00	06
	350/42 "	00	02.5	00	06
	350/45 "	00	05.0	00	12
	350/49 "	00	01.5	00	04
	433/4 "	00	19.5	00	48
	433/5 "	00	25.0	00	63
	433/10 "	00	07.0	00	17
	433/11 "	00	10.0	00	25
	351/1A "	00	25.5	00	63
	340/2 "	00	01.0	00	02
	340/3 "	00	04.5	00	11
	340/4 "	00	02.5	00	06
	299/1 "	00	01.0	00	03
	299/2 "	00	02.0	00	05
	299/3 Part	00	02.5	00	06
	299/4 "	00	03.5	00	09
	299/6 "	00	01.5	00	04
	299/7 "	00	02.0	00	05
	299/8 "	00	00.5	00	01
	299/9 "	00	04.0	00	10
	299/14 "	00	05.0	00	12
	299/20 "	00	02.0	00	05
	299/21 "	00	02.5	00	06
	299/24 "	00	03.5	00	09
	299/26 "	00	01.5	00	04
	299/27 "	00	04.5	00	11
	299/28 "	00	03.0	00	08
	299/29 "	00	05.0	00	12
	285/6 "	00	08.5	00	21
	285/7 "	00	18.0	00	45
	428/4 "	00	02.0	00	05
	428/5 "	00	03.0	00	07
	428/6 "	00	02.0	00	05
	428/7 "	00	02.0	00	05
	428/8 "	00	06.0	00	15
	428/9 "	00	04.0	00	10
	428/10 "	00	03.0	00	07
	428/11 "	00	02.0	00	05
	428/12 "	00	03.0	00	08

(1)	(2)	(3)	(4)	(5)	(6)
Amrutapuram—(Contd.)	428/13 Part	00	02.0	00	05
	428/34 "	00	01.5	00	04
	428/35 "	00	00.5	00	01
	430/3A "	00	01.0	00	02
	291/2 "	00	06.0	00	15
	291/9 "	00	06.0	00	15
	291/10 "	00	02.5	00	06
	291/14 "	00	07.5	00	19
	291/15 "	00	01.0	00	02
	285/6 "	00	08.0	00	20
	285/7 "	00	19.5	00	48

[F. No. R-31015/4/95-OR-II]
H.C. KHURANA, Under Secy.

नई दिल्ली, 10 अक्टूबर, 1995

का.आ. 2850.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि आन्ध्र प्रदेश राज्य में विशाखापत्तनम से विजयवाड़ा तक पेट्रोलियम उत्पादों के विशाखा-विजयवाड़ा से होकर परिवहन के लिए पाइप लाइन हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए।

और यह प्रतीत होता है कि उक्त पाइप लाइन के बिछाए जाने के प्रयोजन के लिए यह आवश्यक कि इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित कर लिया जाए।

अतः अब केन्द्रीय सरकार पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें के उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

उक्त अनुसूची में वर्णित भूमि में हितवद्ध कोई व्यक्ति, उस तारीख से, जिससे भारत के राजपत्र में यथा प्रकाशित अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, 21 दिन के भीतर भूमि में उपयोग के अधिकार के अर्जन या भूमि के नीचे पाइपलाइन बिछाए जाने के प्रति लिखित रूप में आपत्ति, सक्षम प्राधिकारी, विशाखाविजयवाड़ा पाइपलाइन परियोजना, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, जे. सं. 7-20-7, प्लॉट सं. 1, किल्लमपूडि लेमाउट, विशाखापत्तनम-530023, आन्ध्र प्रदेश, को कर सकता है।

अनुसूची

विशाखा-विजयवाड़ा पाइप लाइन परियोजना

हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड

मंडल : चोड़वरम्

राज्य : आन्ध्र प्रदेश

जिला : विशाखापट्टनम्

ग्राम	सर्वे नं. / सब डिविजन	हेक्टर	आर.	क्षेत्रफल एकड़	सेन्ट
1	2	3	4	5	6
मुबदुति	385/3 भाग	00	03.0	00	07
	385/2 "	00	01.0	00	02
	384/23 "	00	01.5	00	04
	384/22 "	00	01.0	00	02
	384/21 "	00	04.5	00	11

1	2	3	4	5	6
मुबदुति (संतत)	386/17 भाग	00	07.5	00	18
	386/16 "	00	00.5	00	01
	386/18 "	00	01.5	00	04
	386/19 "	00	01.0	00	02
	386/20 "	00	02.0	00	05
	386/21 "	00	02.0	00	05
	386/22 "	00	01.5	00	04
	386/23 "	00	05.5	00	13
	386/24 "	00	01.0	00	02
	388/3 "	00	06.5	00	16
	388/2 "	00	02.0	00	05
	388/1 "	00	03.0	00	08
	387/10 "	00	01.0	00	02
	374/ "	८/	07.5	00	18
	372/12 "	00	00.5	00	01
	372/11 "	00	00.5	00	01
	362/ "	00	01.5	00	03
	363/3 "	00	00.5	00	01
	363/6 "	00	04.0	00	10
	363/5 "	00	01.0	00	02
	363/9 भाग	00	03.5	00	09
	359/10 "	00	01.5	00	03
	359/11 "	00	04.0	00	10
	359/12 "	00	00.5	00	01
	359/14 "	00	00.5	00	01
	359/15 "	00	11.0	00	27
	359/16 "	00	04.0	00	10
	266/8 "	00	17.5	00	43
	266/3 "	00	01.5	00	03
	267/24 "	00	01.5	00	03
	267/23 "	00	02.0	00	05
	267/22 "	00	01.0	00	02
	267/21 "	00	01.5	00	03
	267/20 "	00	01.0	00	02
	267/19 "	00	01.5	00	03
	267/3 "	00	03.0	00	08
	267/4 "	00	01.5	00	04
	267/5 "	00	03.0	00	07
	267/6 "	00	04.0	00	10
	267/7 "	00	01.5	00	03
	267/8 "	00	01.5	00	03
	267/1 "	00,	07.0	00	17
	275/3 "	00	01.0	00	02
	276/22 "	00	02.5	00	06
	276/14 "	00	03.0	00	07

1	2	3	4	5	6
मृदुलि (संतत)	276/13 भाग	00	00.5	00	01
	276/15 „	00	00.5	00	01
	276/12 „	00	01.0	00	02
	276/11 „	00	01.5	00	03
	276/10 „	00	01.5	00	03
	276/7 „	00	00.5	00	01
	276/6 „	00	06.0	05	15
	276/5 „	00	01.0	00	02
	323 „	00	20.0	05	49
	358/11 „	00	02.0	00	05
	307 „	00	27.0	00	67
	309/1 „	00	38.5	00	95
	298/2 „	00	11.0	00	27
	297/1 „	00	09.0	00	22
	297/2 „	00	03.0	00	07

[सं. आर-31015/3/95-ओ. आर. II]

एच. सी. खुराना, अवसर सचिव

New Delhi, the 10th October, 1995

S.O. 2850.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from Visakhapatnam to Vijayawada in the State of Andhra Pradesh through VISAKHA-VIJAYAWADA pipeline should be laid by the Hindustan Petroleum Corporation Limited,

And whereas it appears that for the purpose of laying the said pipeline it is necessary to acquire the right of user in the land described in the schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub section (i) of the section 3 of the Petroleum & Minerals Pipelines (acquisition of right of user in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of the notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Visakha-Vijayawada Pipeline Project, Hindustan Petroleum Corporation Limited, D.No. 7-20-7, Plot No. 1, Kirlampudi Layout, Visakhapatnam-530023, Andhra Pradesh.

SCHEDULE

**VISAKHA-VIJAYAWADA PIPELINE PROJECT
HINDUSTAN PETROLEUM CORPORATION LIMITED**

Mandal : Chodavaram		State : Andhra Pradesh		District : Visakhapatnam	
Name of Village	Survey No./	Area			
	Sub Division	Hact.	Are	Acre	Cts
1	2	3	4	5	6
Muddurthi	385/3 Part	00	03.0	00	07
	385/2 „	00	01.0	00	02
	384/23 „	00	01.5	00	04

1	2	3	4	5	6
	384/22 Part	00	01.0	00	02
	384/21 „	00	04.5	00	11
	386/17 „	00	07.5	00	18
	386/16 „	00	00.5	00	01
	386/18 „	00	01.5	00	04
	386/19 „	00	01.0	00	02
	386/20 „	00	02.0	00	05
	386/21 „	00	02.0	00	05
	386/22 „	00	01.5	00	04
	386/23 „	00	05.5	00	13
	386/24 „	00	01.0	00	02
	388/3 „	00	06.5	00	16
	388/2 „	00	02.0	00	05
	388/1 „	00	03.0	00	08
	387/10 „	00	01.0	00	02
	374 „	00	07.5	00	18
	372/12 „	00	00.5	00	01
	372/11 „	00	00.5	00	01
	362 „	00	01.5	00	03
	363/3 „	00	00.5	00	01
	363/6 „	00	04.0	00	10
	363/5 „	00	01.0	00	02
	363/9 „	00	03.5	00	09
	359/10 „	00	01.5	00	03
	359/11 „	00	04.0	00	10
	359/12 „	00	00.5	00	01
	359/14 „	00	00.5	00	01
	359/15 „	00	11.0	00	27
	359/16 „	00	04.0	00	10
	266/8 „	00	17.5	00	43
	266/3 „	00	01.5	00	03
	267/24 „	00	01.5	00	03
	267/23 „	00	02.0	00	05
	267/22 „	00	01.0	00	02
	267/21 „	00	01.5	00	03
	267/20 „	00	01.0	00	02
	267/19 „	00	01.5	00	03
	267/3 „	00	03.0	00	08
	267/4 „	00	01.5	00	04
	267/5 „	00	03.0	00	07
	267/6 „	00	04.0	00	10
	267/7 „	00	01.5	00	03
	267/8 „	00	01.5	00	03
	267/1 „	00	07.0	00	17
	275/3 „	00	01.0	00	02
	276/22 „	00	02.5	00	06
	276/14 „	00	03.0	00	07
	276/13 „	00	00.5	00	01
	276/15 „	00	00.5	00	01
	276/12 „	00	01.0	00	02
	276/11 „	00	01.5	00	03
	276/10 „	00	01.5	00	03

1	2	3	4	5	6
	276/7 ..	00	00.5	00	01
	276/6 ..	00	06.0	00	15
	276/5 ..	00	01.0	00	02
	323 ..	00	20.0	00	49
	358/11 ..	00	02.0	00	05
	307 ..	00	27.0	00	67
	309/1 ..	00	38.5	00	95
	298/2 ..	00	11.0	00	27
	297/1 ..	00	09.0	00	22
	297/2 ..	00	03.0	00	07

[F. No. R-31015/3/95-OR-II]
H.C. KHURANA, Under Secy.

नई दिल्ली, 10 अक्तूबर, 1995

का.आ. 2851.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि आन्ध्र प्रदेश राज्य में विशाखापत्तनम से विजयवाड़ा तक पेट्रोलियम उत्पादों के विशाखा-विजयवाड़ा से होकर परिवहन के लिए पाइप लाइन हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए।

और यह प्रतीत होता है कि उक्त पाइप लाइन के बिछाए जाने के प्रयोजन के लिए यह आवश्यक है कि इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित कर लिया जाए।

अतः अब केन्द्रीय सरकार पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उसमें के उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है,

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीख से, जिससे भारत के राजपत्र में यथा प्रकाशित अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, 21 दिन के भीतर भूमि के उपयोग के अधिकार के अर्जन या भूमि के नीचे पाइपलाइन बिछाए जाने के प्रति लिखित रूप में आपत्ति, सक्षम प्राधिकारी विशाखा-विजयवाड़ा पाइपलाइन परियोजना, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, डी. सं. 7-20-7, प्लॉट सं. 1, किल्लेमपूडि लेआउट, विशाखापत्तनम-530023, आन्ध्र प्रदेश, को कर सकता है।

अनुसूची

विशाखा-विजयवाड़ा पाइप लाइन परियोजना

हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड

मंडल : धुन्नप्यापेट

राज्य : आन्ध्र प्रदेश

जिला : विशाखापत्तनम्

ग्राम	सर्वे सं. / सब डिविजन	हेक्ट.	क्षेत्रफल आर.	एकड़.	सेन्ट.
1	2	3	4	5	6
आर. भीमवरम्	7/2 भाग	00	35.0	00	86
	10/4 ..	00	01.0	00	02
	10/3 ..	00	01.5	00	04
	10/2 ..	00	02.0	00	05
	10/1 ..	00	01.0	00	02
	22/6 ..	00	02.0	00	05
	22/15 ..	00	01.5	00	04
	22/14 ..	00	01.5	00	04
	22/16 ..	00	01.0	00	02

1	2	3	4	5	6	
आर. भीमवरम् (संतत)	21/1	भाग	00	03.0	00	07
	21/3	"	00	01.5	05	04
	21/2	"	00	03.5	00	09
	21/6	"	00	00.5	00	01
	21/10	"	00	04.0	00	10
	21/11	"	00	00.5	00	01
	26/20	"	00	00.5	00	01
	26/21	"	00	01.5	00	04
	26/22	"	00	01.5	00	04
	26/23	"	00	00.5	00	01
	26/27	"	00	03.0	00	07
	26/28	"	00	03.0	00	07
	26/29	"	55	01.0	00	02
	26/32	"	00	01.5	00	03
	26/30	"	00	02.0	00	05
	26/31	"	00	02.5	00	06
	33/17	"	00	00.5	00	01
	33/16	"	00	01.5	00	04
	33/3	"	00	01.5	00	04
	33/4	"	00	02.5	00	06
	33/5	"	00	00.5	00	01
	33/15	"	00	00.5	00	01
	33/13	"	00	02.0	00	05
	33/8	"	00	01.5	00	04
	33/12	"	00	01.5	00	04
	33/11	"	00	00.5	00	01
	33/10	"	00	04.0	00	10
	33/9	"	00	00.5	00	01
	32/2	"	00	05.5	00	14
	32/4	"	00	01.5	00	04
	32/3	"	00	04.0	00	10
	32/1	"	00	00.5	00	01
	32/8	"	00	02.5	00	06
	32/9	"	00	03.0	00	08
	32/10	"	00	03.0	00	08
	36/15	"	00	00.5	00	01
	36/16	"	00	01.0	00	03
	36/17	"	00	03.0	00	08
	36/18	"	00	01.0	00	03
	37/7	"	00	05.5	00	13
	37/1	"	00	09.0	00	22
	37/3	"	00	06.5	00	16
	37/6	"	00	02.0	00	05
	37/5	"	00	01.0	00	03
	37/4	"	00	00.5	00	01
	38/1	"	00	03.0	00	08
	38/4	"	00	00.5	00	01
	38/2	"	00	09.5	00	23

1	2	3	4	5	6
आर. शिवरामपुरम्	42/8 भाग	00	02.0	00	05
	42/10 "	00	05.0	00	12
	42/11 "	00	06.0	00	15
	42/12 "	00	04.0	00	10
	42/13 "	00	03.0	00	07
	42/14 "	00	01.0	00	02
	42/16 "	00	01.0	00	03
	42/18 "	00	03.0	00	08
	43/1 "	00	03.0	00	08
	43/3 "	00	03.0	00	08
	43/4 "	00	03.5	00	09
	43/5 "	00	03.5	00	09
	43/6 "	00	06.5	00	16
	43/7 "	00	00.5	00	01
	44/1 "	00	02.5	00	06
	44/2 "	00	05.5	00	14
	44/3 "	00	01.0	00	02
	44/4 "	00	14.0	00	34
	47/6 "	00	05.5	00	14
	51/10 "	00	03.0	00	08
	51/3 "	00	05.0	00	12
	51/4 "	00	01.0	00	02
	51/2 "	00	05.5	00	14
	51/5 "	00	00.5	00	01
	51/7 "	00	04.5	00	11
	52/5 "	00	01.5	00	04
	52/4 "	00	04.5	00	11
	52/3 "	00	01.0	00	03
	52/2ए "	00	05.5	00	14
	52/2बी "	00	05.5	00	14
	53/16 "	00	02.5	00	06
	53/15 "	00	04.5	00	11
	53/19 "	00	01.0	00	03
	53/13 "	00	03.5	00	09
	56/1 "	00	02.0	00	05
	56/3 "	00	02.5	00	06
	56/2 "	00	02.0	00	05
	56/11 "	00	01.0	00	03
	57/13 "	00	03.5	00	09
	57/14 "	00	05.0	00	12
	57/15 "	00	06.5	00	16
	58/1 "	00	16.5	00	11
	61/3 "	00	00.5	00	01

1	2	3	4	5	6
आर. शिवरामपुरम् (संतत)	61/2 भाग	00	04.0	00	10
	61/1 भाग	00	01.0	00	02
	61/6 भाग	00	01.0	00	03
	61/5 भाग	00	02.5	00	06
	61/7 भाग	00	05.0	00	12
	61/8ए भाग	00	05.5	00	13
	61/8वी भाग	00	06.5	00	16
	61/13 भाग	00	04.5	00	11
	60/4 भाग	00	00.5	00	01
	62/13 भाग	00	00.5	00	01
	63/1 भाग	00	03.0	00	07
	63/5 भाग	00	13.0	00	32
	63/9 भाग	00	02.0	00	05
	63/4 भाग	00	01.0	00	02
	68/1 भाग	00	26.5	00	66
	79/3 भाग	00	48.0	01	19
	78/1 भाग	00	10.5	00	26
	78/2 भाग	00	01.0	00	03
	78/3 भाग	00	01.5	00	04
	78/4 भाग	00	10.0	00	25
	78/5 भाग	00	00.5	00	01
	78/6 भाग	00	00.5	00	01
	78/8 भाग	00	02.0	00	05
	78/9 भाग	00	01.0	00	02
	78/10 भाग	00	15.0	00	37
	80/1 भाग	00	01.0	00	03
	80/2 „	00	01.0	00	03
	80/5 „	00	18.5	00	46
	80/6 „	00	18.0	00	45
	91/5 „	00	02.5	00	06
	91/6 „	00	02.0	00	05
	91/7 „	00	03.5	00	08
	91/8 „	00	02.5	00	06
	91/13 „	00	01.0	00	03
	91/14 „	00	03.5	00	09
	63/10 „	00	01.0	00	03
	68/2 „	00	05.0	00	12
	79/1 „	00	27.5	00	68
	90/2 „	00	22.0	00	54
	90/3 „	00	06.5	00	16
	90/4 „	00	03.0	00	07
अप्पम्पोलम्	17/8 „	00	07.5	00	19
	17/11 „	00	05.0	00	12
	17/12 „	00	02.5	00	06
	17/13 „	00	00.5	00	01
	18/ „	00	06.0	00	15

1	2	3	4	5	6
अल्पमूल्य (जारी)	22/6 भाग	00	01.0	00	02
	22/8 „	00	00.5	00	01
	22/17 „	00	00.5	00	01
	22/19 „	00	03.0	00	08
अल्पमूल्य (संतत)	22/20 भाग	00	01.5	00	04
	22/21 „	00	07.0	00	18
	21/1 „	00	00.5	00	01
	21/5 „	00	00.5	00	01
	21/6 „	00	08.5	00	21
	21/7 „	00	03.5	00	09
	21/8 „	00	10.0	00	25
	21/9 „	00	01.0	00	02
	19/1 „	00	01.5	00	03
	26/15 „	00	05.5	00	13
	26/14 „	00	06.0	00	15
	27/21 „	00	00.5	00	01
	27/20 „	00	05.5	00	14
	27/19 „	00	04.5	00	11
	27/32 „	00	00.5	00	01
	27/15 „	00	00.5	00	01
	27/16 „	00	01.0	00	02
	27/13 „	00	00.5	00	01
	27/17 „	00	01.5	00	04
	27/18 „	00	00.5	00	01
	27/12 „	00	03.5	00	09
	27/11 „	00	03.0	00	08
	27/10 „	00	05.0	00	12
	62/17 „	00	00.5	00	01
	62/7 „	00	01.0	00	02
	62/2 पूरा	00	02.5	00	06
	62/1 भाग	00	01.0	00	02
	62/3 „	00	04.5	00	11
	62/6 „	00	00.5	00	01
	62/4 „	00	00.5	00	01
	59/5 „	00	01.0	00	03
	59/6 „	00	02.5	00	06
	59/7 „	00	01.5	00	04
	59/9 „	00	00.5	00	01
	59/8 „	00	03.5	00	09
	59/17 „	00	05.5	00	14
	59/16 „	00	01.0	00	02
	59/15 पूरा	00	01.5	00	04
	59/14 भाग	00	00.5	00	01
	59/13 „	00	00.5	00	01

1	2	3	4	5	6
भूपतिपालेम्	95/1 भाग	00	07.0	00	17
	95/8 „	00	00.5	00	01
	95/9 „	00	03.5	00	09
	95/10 „	00	03.5	00	09
	95/11 „	00	01.0	00	03
	95/12 „	00	01.5	00	04
	95/13 „	00	00.5	00	01
	95/16 „	00	02.0	00	05
	95/17 „	00	03.0	00	07
	95/18 „	00	01.0	00	03
भूपतिपालेम् (संतत)	74/1 भाग	00	00.5	00	01
	81/5 „	00	17.0	00	42
	81/8 „	00	00.5	00	01
	81/10 „	00	16.0	00	40
	81/12 „	00	01.5	00	01
	81/13 „	00	03.5	00	09
	85/22 „	00	09.5	00	23
	85/23 „	00	02.0	00	05
	85/24 „	00	01.5	00	04
	85/25 „	00	01.0	00	03
	85/27 „	00	06.0	00	15
	86/1 „	00	02.5	00	06
	86/2 „	00	01.0	00	03
	92/11 „	00	00.5	00	01
	93/11 „	00	01.5	00	04
	93/12 „	00	00.5	00	01
	93/13 „	00	01.5	00	04
	93/14 „	00	02.0	00	05
	93/15 „	00	03.0	00	08
	94/2 „	00	16.5	00	41
	94/3 „	00	08.5	00	21
	94/12 „	00	02.5	00	06
	94/15 „	00	02.5	00	06
मल्लम्	195/4 भाग	00	18.0	00	44
	195/5 „	00	03.0	00	08
मल्लम् (संतत)	194/6 भाग	00	03.0	00	08
	194/7 „	00	02.0	00	05
	194/8 „	00	00.5	00	01
	192/10 „	00	00.5	00	01
	192/12 „	00	01.5	00	04
	192/13 „	00	02.5	00	06
	192/15 „	00	03.5	00	09
	192/16 „	00	03.0	00	08
	192/17 „	00	03.5	00	09
	192/18 „	00	02.5	00	06

1	2	3	4	5	6
मन्तम् (संनत)	192/19 भाग	00	00.5	00	01
	191/2,,	00	09.5	00	24
	191/1 ,,	00	01.0	00	02
	191/9 ,,	00	05.0	00	12
	189/1 ,,	00	03.0	00	08
	188/1A ,,	00	69.0	01	70
	136/2 ,,	00	36.5	00	90
	137/9 ,,	00	09.5	00	24
	313/1 ,,	00	12.0	00	30
	144/5,,	00	11.5	00	29
	144/4 ,,	00	01.5	00	04
	144/10 ,,	00	00.5	00	01
	144/8 ,,	00	18.5	00	46
	315/4 ,,	00	20.0	00	49
	315/3 ,,	00	02.5	00	06
	315/9 भाग	00	16.0	00	40
	316/3 ,,	00	05.5	00	13
	316/4 ,,	00	03.5	00	09
	316/9 ,,	00	01.5	00	04
	316/7 ,,	00	07.5	00	18
	316/8 ,,	00	00.5	00	01
	316/6 ,,	00	12.0	00	30
	317/1 ,,	00	02.5	00	06
	317/7 ,,	00	09.5	00	24
	317/2 ,,	00	00.5	00	01
	317/4 ,,	00	00.5	00	01
	317/5 ,,	00	01.5	00	04
	317/6 ,,	00	02.5	00	06
	317/11 ,,	00	02.5	00	06

[फा.सं.आर-31015/5/95-आंआर-II]

एच.सी.खुराना, अध्वर सचिव

New Delhi, the 10th October, 1995

S.O. 2851—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from Visakhapatnam to Vijayawada in the State of Andhra Pradesh through VISAKHA-VIJAYAWADA pipeline should be laid by the Hindustan Petroleum Corporation Limited.

And whereas it appears that for the purpose of laying the said pipeline it is necessary to acquire the right of user in the land described in the schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum Minerals Pipelines (Acquisition of Right of user in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of the notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Visakha-Vijayawada Pipeline Project, Hindustan Petroleum Corporation Limited, D.No. 7-20-7, Plot No. 1, Kirlampudi layout, Visakhapatnam -530023, Andhra Pradesh.

SCHEDULE

VISAKHA—VIJAYAWADA PIPELINE PROJECT
HINDUSTAN PETROLEUM CORPORATION LIMITED

Mandal : Butcheyyapeta

District : Visakhapatnam

State : Andhra Pradesh

Page No. 1

Name of Village	Survey No./ Sub Division		Area			
			Hec	Arc	Acre	Cts
R. Bheemavaram	7/2	Part	00	35.0	00	86
	10/4	"	00	01.0	00	02
	10/3	"	00	01.5	00	04
	10/2	"	00	02.0	00	05
	10/1	"	00	01.0	00	02
	22/6	"	00	02.0	00	05
	22/15	"	00	01.5	00	04
	22/14	"	00	01.5	00	04
	22/16	"	00	01.0	00	02
	21/1	"	00	03.0	00	07
	21/3	"	00	01.5	00	04
	21/2	"	00	03.5	00	09
	21/6	"	00	00.5	00	01
	21/10	"	00	04.0	00	10
	21/11	"	00	00.5	00	01
	26/20	"	00	00.5	00	01
	26/21	"	00	01.5	00	04
	26/22	"	00	01.5	00	04
	26/23	"	00	00.5	00	01
	26/27	"	00	03.0	00	07
	26/28	"	00	03.0	00	07
	26/29	"	00	01.0	00	02
	26/32	"	00	01.5	00	03
	26/30	"	00	02.0	00	05
	26/31	"	00	02.5	00	06
	33/17	"	00	00.5	00	01
	33/16	"	00	01.5	00	04
	33/3	"	00	01.5	00	04
	33/4	"	00	02.5	00	06
	33/5	"	00	00.5	00	01
	33/15	"	00	00.5	00	01
	33/13	"	00	02.0	00	05
	33/8	"	00	01.5	00	04
	33/12	"	00	01.5	00	04
	33/11	"	00	00.5	00	01
	33/10	"	00	04.0	00	10
	33/9	"	00	00.5	00	01
	32/2	"	00	05.5	00	14
	32/4	"	00	01.5	00	04
	32/3	"	00	04.0	00	10
	32/1	"	00	00.5	00	01
	32/8	"	00	02.5	00	06
	32/9	"	00	03.0	00	08

1	2	3	4	5	6	7
R. Bhceinavaram—(Coneld.)	32/10	Part	00	03.0	00	08
	36/15	..	00	00.5	00	01
	36/16	..	00	01.0	00	03
	36/19	..	00	03.0	00	08
	36/18	..	00	01.0	00	03
	37/7	..	00	05.5	00	13
	37/1	..	00	09.0	00	22
	37/3	..	00	06.5	00	16
	37/6	..	00	02.0	00	05
	37/5	..	00	01.0	00	03
	37/4	..	00	00.5	00	01
	38/1	..	00	03.0	00	08
	38/4	..	00	00.5	00	01
	38/2	..	00	09.5	00	23
R. Sivaramapuram	42/8	..	00	02.0	00	05
	42/10	..	00	05.0	00	12
	42/11	..	00	06.0	00	15
	42/12	..	00	04.0	00	10
	42/13	..	00	03.0	00	07
	42/14	..	00	01.0	00	02
	42/16	..	00	01.0	00	03
	42/18	..	00	03.0	00	08
	43/1	..	00	03.0	00	08
	43/3	..	00	03.0	00	08
	43/4	..	00	03.5	00	09
	43/5	..	00	03.5	00	09
	43/6	..	00	06.5	00	16
	43/7	..	00	00.5	00	01
	44/1	..	00	02.5	00	06
	44/2	..	00	05.5	00	14
	44/3	..	00	01.0	00	02
	44/4	..	00	14.0	00	34
	47/6	..	00	05.5	00	14
	51/10	..	00	03.0	00	08
	51/3	..	00	05.0	00	12
	51/4	..	00	01.0	00	02
	51/2	..	00	05.5	00	14
	51/5	..	00	00.5	00	01
	51/7	..	00	04.5	00	11
	52/5	..	00	01.5	00	04
	52/4	..	00	04.5	00	11
	52/3	..	00	01.0	00	03
	52/2A	..	00	05.5	00	14
	52/2B	..	00	05.5	00	14
	53/16	..	00	02.5	00	06
	53/15	..	00	04.5	00	11
	53/19	..	00	01.0	00	03
	53/13	..	00	03.5	00	09
	56/1	..	00	02.0	00	05
	56/3	..	00	02.5	00	06
	56/2	..	00	02.0	00	05
	56/11	..	00	01.0	00	03

1	2	3	4	5	6	7
R. Sivaramapuram—(Coneld.)	57/13	Part	00	03.5	00	09
	57/14	..	00	05.0	00	12
	57/15	..	00	06.5	00	16
	58/1	..	00	16.5	00	41
	61/3	..	00	00.5	00	01
	61/2	..	00	04.0	00	10
	61/1	..	00	01.0	00	02
	61/6	..	00	01.0	00	03
	61/	..	00	02.5	00	06
	61/7	..	00	05.0	00	12
	61/8A	..	00	05.5	00	13
	61/8 B.	..	00	06.5	00	16
	61/13	..	00	04.5	00	11
	60/4	..	00	00.5	00	01
	62/13	..	00	00.5	00	01
	63/1	..	00	03.0	00	07
	63/5	..	00	13.0	00	32
	63/9	..	00	02.0	00	05
	63/4	..	00	01.0	00	02
	68/1	..	00	26.5	00	66
	79/3	..	00	48.0	01	19
	78/1	..	00	10.5	00	26
	78/2	..	00	01.0	00	03
	78/3	..	00	01.5	00	04
	78/4	..	00	10.0	00	25
	78/5	..	00	00.5	00	01
	78/6	..	00	00.5	00	01
	78/8	..	00	02.0	00	05
	78/9	..	00	01.0	00	02
	78/10	..	00	15.0	00	37
	80/1	..	00	01.0	00	03
	80/2	..	00	01.0	00	03
	80/5	..	00	18.5	00	46
	80/6	..	00	18.0	00	45
	91/5	..	00	02.5	00	06
	91/6	..	00	02.0	00	05
	91/7	..	00	03.5	00	08
	91/8	..	00	02.5	00	06
	91/13	..	00	01.0	00	03
	91/14	..	00	03.5	00	09
	63/10	..	00	01.0	00	03
	68/2	..	00	05.0	00	12
	79/1	..	00	27.5	00	68
	90/2	..	00	22.0	00	54
	90/3	..	00	06.5	00	16
	90/4	..	00	03.0	00	07
APPAMPALEM	17/8	Part	00	07.5	00	19
	17/11	..	00	05.0	00	12
	17/12	..	00	02.5	00	06
	17/13	..	00	00.5	00	01
	18/	..	00	06.0	00	15
	22/6	..	00	01.0	00	02
	22/8	..	00	00.5	00	01
	22/17	..	00	00.5	00	01
	22/19	..	00	03.0	00	08

1	2	3	4	5	6	7
APPAMPALEM (Contd.)	22/20 Part		00	01.5	00	04
	22/21 ..		00	07.0	00	18
	21/1 ..		00	00.5	00	01
	21/5 ..		00	00.5	00	01
	21/6 ..		00	08.5	00	21
	21/7 ..		00	03.5	00	09
	21/8 ..		00	10.0	00	25
	21/9 ..		00	01.0	00	02
	19/1 ..		00	01.5	00	03
	26/15 ..		00	05.5	00	13
	26/14 ..		00	06.0	00	15
	27/21 ..		00	00.5	00	01
	27/20 ..		00	05.5	00	14
	27/19 ..		00	04.5	00	11
	27/32 ..		00	00.5	00	01
	27/15 ..		00	00.5	00	01
	27/16 ..		00	01.0	00	02
	27/13 ..		00	00.5	00	01
	27/17 ..		00	00.5	00	04
	27/18 ..		00	00.5	00	01
	27/12 ..		00	03.5	0	09
	27/11 ..		00	03.0	00	08
	27/10 ..		00	05.0	00	12
	62/17 ..		00	00.5	00	01
	62/7 ..		00	01.0	00	02
	62/2 Full		00	02.5	00	06
	62/1 Part		00	01.0	00	02
	62/3 ..		00	04.5	00	11
	62/6 ..		00	00.5	00	01
	62/4 ..		00	00.5	00	01
	59/5 ..		00	01.0	00	03
	59/6 ..		00	02.5	00	06
	59/7 ..		00	01.5	00	04
	59/9 ..		00	00.5	00	01
	59/8 ..		00	03.5	00	09
	59/17 ..		00	05.5	00	14
	59/16 ..		00	01.0	00	02
	59/15 Full		00	01.5	00	04
	59/14 Part		00	00.5	00	01
	59/13 ..		00	00.5	00	01
BHUPATIPALEM	95/1 Part		00	07.0	00	17
	95/8 ..		00	00.5	00	01
	95/9 ..		00	03.5	00	09
	95/10 ..		00	03.5	00	09
	95/11 ..		00	01.0	00	03
	95/12 ..		00	01.5	00	04
	95/13 ..		00	00.5	00	01
	95/16 ..		00	02.0	00	05
	95/17 ..		00	03.0	00	07
	95/18 ..		00	01.0	00	03
	74/1 Part		00	00.5	00	01
	81/5 ..		00	17.0	00	42
	81/8 ..		00	00.5	00	01
	81/10 ..		00	16.0	00	49

1	2	3	4	5	6
BHUPATIPALEM (Contd.)	81.12 Part	00	01.5	00	04
	81/13 ..	00	03.5	00	09
	85/22 ..	00	09.5	00	23
	85/23 ..	00	02.0	00	05
	85/24 ..	00	01.5	00	04
	85/25 ..	00	01.0	00	03
	85/27 ..	00	06.0	00	15
	86/1 ..	00	02.5	00	06
	86/2 ..	00	01.0	00	03
	92/11 ..	00	00.5	00	01
	93/12 ..	00	01.5	00	04
	93/11 ..	00	00.5	00	01
	93/13 ..	00	01.5	00	04
	93/14 ..	00	02.0	00	05
	93/15 ..	00	03.0	00	08
	94/2 ..	00	16.5	00	41
	94/3 ..	00	08.5	00	21
	94/12 ..	00	02.5	00	06
	94/13 ..	00	02.5	00	06
MALLAM	195/4 Part	00	18.0	00	44
	195/5 ..	00	03.0	00	08
	194/6 Part	00	03.0	00	08
	194/7 ..	00	02.0	00	05
	194/8 ..	00	00.5	00	01
	192/10 ..	00	00.5	00	01
	192/12 ..	00	01.5	00	04
	192/13 ..	00	02.5	00	06
	192/15 ..	00	03.5	00	09
	192/16 ..	00	03.0	00	08
	192/17 ..	00	03.5	0	09
	192/18 ..	00	02.5	00	06
	192/19 ..	00	00.5	00	01
	191/2 ..	00	09.5	00	24
	191/1 ..	00	01.0	00	02
	191/9 ..	00	05.0	00	12
	189/1 ..	00	03.0	00	08
	188/1A	00	69.0	01	70
	136/2 ..	00	36.5	00	90
	137/9 ..	00	09.5	00	24
	313/1 ..	00	12.0	00	30
	144/5 ..	00	11.5	00	29
	144/4 ..	00	01.5	00	04
	144/10 ..	00	00.5	00	01
	144/8 ..	00	18.5	00	46
	315/4 ..	00	20.0	00	49
	315/3 ..	00	02.5	00	06
	315/9 Part	00	16.0	00	40
	316/3 ..	00	05.5	00	13
	316/4 ..	00	03.5	00	09
	316/9 ..	00	01.5	00	04
	316/7 ..	00	07.5	00	18

1	2	3	4	5	6
MALLAM Contd.)	316/8 Part	00	00.5	00	01
	316/6 „	00	12.0	00	30
	317/1 „	00	02.5	00	06
	317/7 „	00	09.5	00	24
	317/2 „	00	00.5	00	01
	317/4 „	00	00.5	00	01
	317/5 „	00	01.5	00	04
	317/6 „	00	02.5	00	06
	317/11 „	00	02.5	00	06

[F. No. R.31015/5/95-OR-II]
H.C. KHURANA, Under Secy.

नई दिल्ली, 10 अक्टूबर, 1995

का.घा. 2852.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि आन्ध्र प्रदेश राज्य में बिशाखापतनम से विजयबाड़ा तक पेट्रोलियम उत्पादों के बिशाखा-विजयबाड़ा से होकर परिवहन के लिए पार्श्व लाईन हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा बिछाई जानी चाहिए।

और यह प्रतीत होता है कि उसमें पार्श्व लाईन के बिछाए जाने के प्रयोज के लिए यह आवश्यक है कि इस अधिसूचना उपाखण्ड अनुसूची वर्णित भूमि में उपयोग का अधिकार अर्जित कर लिया जाए।

अतः अब केन्द्रीय सरकार पेट्रोलियम और खनिज पार्श्व लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उसमें के उपयोग के अधिकार का अर्जन करने के अपने आशय को घोषणा करती है।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीख से, जिससे भारत के राजपत्र में यथा प्रकाशित अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, 21 दिन के भीतर भूमि में उपयोग के अधिकार के अर्जन या भूमि नीचे पाइपलाइन बिछाए जाने को प्रति लिखित रूप में आपत्ति, सक्षम प्राधिकारी, बिशाखा-विजयबाड़ा पाइपलाइन परियोजना, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, डी. सं. 7-20-7, प्लॉट सं. 1, किलमण्डि गेम्माउट, बिशाखापतनम-530023, आन्ध्र प्रदेश को कर सकता है।

अनुसूची

बिशाखा-विजयबाड़ा पाइप लाइन परियोजना

हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड

संख्या : कसिमकोट

राज्य : आन्ध्र प्रदेश

जिला : बिशाखापतनम

ग्राम	सर्वे नं/सब डिविजन	क्षेत्रफल			
		हेक्टर.	घार	एकड़	सेंट
शरकम्	47/20 भाग	00	02.5	00	08
	47/21 „	00	04.0	00	10
	47/15 „	00	02.0	00	05
	47/23ई „	00	01.5	00	04
	47/23बी „	00	05.5	00	14
	47/23सी „	00	01.0	00	03
	47/13 „	00	01.0	00	03
	47/12 „	00	01.5	00	04
	47/23बी „	00	11.0	00	27
	47/24ई „	00	00.5	00	01
	47/24ए „	00	03.0	00	07
	47/23एक „	00	00.5	00	01

प्रात	सर्वे म./म. विविध	हारा	प्रात	मकत	मेत
अरकम् (संतत)	34/10 भाग	00	02.0	00	05
	34/11 ,,	00	07.0	00	17
	34/8 ,,	00	01.0	00	03
	34/7सी ,,	00	04.5	00	11
	34/7सी ,,	00	05.0	00	12
	34/6 ,,	00	01.0	00	03
	36/10 ,,	00	09.0	00	22
	36/8सी ,,	00	00.5	00	01
	36/9सी ,,	00	01.5	00	04
	36/9सी ,,	00	05.0	00	12
	51/4 ,,	00	05.0	00	12
	51/1 ,,	00	03.5	00	09
	51/2 ,,	00	07.5	00	18
	51/3 भाग	00	00.5	00	01
	51/15सी ,,	00	03.0	00	08
	51/15ए ,,	00	02.0	00	05
	51/19सी ,,	00	02.5	00	06
	51/19सी ,,	00	01.0	00	03
	51/10सी ,,	00	02.5	00	06
	51/16 ,,	00	02.5	00	06
	51/17 ,,	00	03.0	00	07
	51/18ए	00	00.5	00	01
	81/41 ,,	00	02.0	00	05
	71/1ए ,,	00	00.5	00	01
	71/1सी ,,	00	00.5	00	01
	71/2ए ,,	00	04.5	00	11
	71/2सी ,,	00	02.0	00	05
	71/2सी ,,	00	06.0	00	15
	72/5ए ,,	00	03.5	00	09
	72/5सी ,,	00	02.5	00	06
	72/5ई ,,	00	01.5	00	04
	72/4 ,,	00	02.5	00	06
	74/5 ,,	00	01.0	00	03
	74/4 ,,	00	03.5	00	09
	74/6 ,,	00	01.0	00	02
	74/11ए ,,	00	00.5	00	01
	74/15 ,,	00	02.0	00	05
	74/16 ,,	00	02.0	00	05
	74/14ए पूरा	00	02.0	00	05
	74/14सी भाग	00	01.0	00	02
	74/13 ,,	00	01.5	00	04
	74/17 ,,	00	00.5	00	01
	74/18 ,,	00	01.0	00	03
	74/19 ,,	00	04.5	00	11
	74/20 ,,	00	04.5	00	11
	77/24 ,,	00	03.5	00	09
	77/23 ,,	00	03.0	00	08
	77/22 ,,	00	07.0	00	17
	77/27 ,,	00	00.5	00	01
	77/20 ,,	00	01.5	00	04
	77/21 ,,	00	01.5	00	04
	76/10 ,,	00	09.5	00	24
	76/21ए ,,	00	01.0	00	03

ग्राम	सर्वे चं. नव डिग्रिज	हेक्टे	क्षेत्रफल		सेन्ट
			आर	एकड़	
बरकम् (मिलन)	76/21 सी साग	00	01.0	00	02
	76/21 सी ,,	00	00.5	00	01
	76/11 ,,	0	04.0	00	10
	76/12 ,,	00	01.0	00	02
	76/13 ,,	00	01.5	00	02
	91/9 ,,	00	00.5	00	01
	91/8 ,,	00	03.0	00	07
	91/10 ,,	00	03.5	00	09
	91/7 ,,	00	04.0	00	10
	91/6 ,,	00	01.0	00	10
	91/5 ,,	00	07.5	00	18
	91/5 ,,	00	13.0	00	32
	91/2 ,,	00	00.5	00	01
	91/4 ,,	00	11.5	00	28
	317/12 ,,	00	05.5	00	14
	317/11 ,,	00	02.5	00	06
	317/9 ,,	00	05.5	00	13
	317/10 ,,	00	03.5	00	09
	317/8 ,,	00	00.5	00	01
	317/7 ,,	00	02.0	00	05
	317/5 ,,	00	13.0	00	32
	316/10 ,,	00	06.5	00	16
	316/11 ,,	00	01.5	00	04
	316/12 ,,	00	00.5	00	01
	316/9 ,,	00	05.5	00	13
	316/8 ,,	00	07.0	00	17
	57/13 ,,	00	01.0	00	02
	315/8 ,,	00	01.0	00	03
	315/15 ,,	00	04.0	00	10
	315/14 ,,	00	04.5	00	11
	315/9 ,,	00	01.0	00	03
	315/10 ,,	00	00.5	00	01
	315/13 ,,	00	04.5	00	11
	315/11 ,,	00	03.5	00	09
	69/15 ,,	00	04.5	00	11
	69/17 ,,	00	00.5	00	01
	69/16 ,,	00	01.0	00	02
	69/13 ,,	00	01.0	00	03
	69/14 ,,	00	02.0	00	05
	69/12 ,,	00	03.0	00	07
	69/11 ,,	00	01.0	00	03
	70/22 ,,	00	02.5	00	06
	70/21 ,,	00	05.0	00	12
	70/20 ,,	00	02.0	00	05
	70/19 ,,	00	01.5	00	04
	70/18 ,,	00	03.0	00	08
	70/14 ,,	00	03.5	00	09
	71 ,,	00	02.5	00	06
	88 ,,	00	00.5	00	01
	86/15 ,,	00	04.5	00	11
	86/16 ,,	00	03.0	00	08

1	2	3	4	5	6
सीड़ा (संतत)	86/14 भाग	00	05.5	00	13
	86/13 „	00	05.0	00	1
	86/12 „	00	11.0	00	27
	86/11 „	00	07.0	00	17
	86/8 „	00	00.5	00	01
	86/7 „	00	00.5	00	04
	86/5 „	00	05.5	00	1
	86/4 „	00	02.0	00	05
	86/3 „	00	01.0	00	03
	85/1 „	00	03.0	00	08
	83/1 „	00	00.5	00	01
	100/56 „	00	00.5	10	01
	100/57 „	00	02.0	00	05
	100/49 „	00	03.0	00	08
	100/48 „	00	03.0	00	08
	100/50 „	00	01.0	00	03
	100/51 „	00	00.5	00	01
	100/46 „	00	01.5	00	04
	100/47 „	00	03.0	00	07
	100/43 „	00	00.5	00	01
	100/42 „	00	00.5	00	01
	100/41 „	00	00.5	00	01
	101/23 „	00	00.5	00	01
	101/22 „	00	01.0	00	03
	101/21 „	00	02.5	00	08
	101/18 „	00	00.5	00	01
	101/17 „	00	01.0	00	03
	101/16 पूरा	00	01.0	00	03
	101/15 भाग	00	00.5	00	01
	101/14 „	00	01.5	00	40
	101/13 „	00	01.0	00	03
	101/12 „	00	01.5	00	04
	101/11 „	00	01.0	00	02
	101/8 „	00	03.0	00	08
सी. (संतत)	101/7 „	00	04.0	00	10
	101/6 „	00	01.0	00	03
	101/5 „	00	00.5	00	01
	102/1 „	00	07.0	00	17
	104/23 „	00	09.5	00	24
	104/24 „	00	00.5	00	01
	104/26 „	00	00.5	00	01
	104/27 „	00	04.0	00	10
	104/22 „	00	00.5	00	01
	104/28 „	00	04.0	00	10
	104/17 „	00	00.5	00	01
	104/31 „	00	09.0	00	22
	104/33 „	00	01.5	00	04
	169/20 „	00	07.5	00	18
	169/19 „	00	00.5	00	01
	169/18 „	00	00.5	00	01
	169/17 „	00	00.5	00	01
	169/16 „	00	01.0	00	03
	169/15 „	00	02.5	00	06
	169/14 „	00	01.5	00	04

1	2	3	4	5	6
सीढ़ी (संतत)	169/12 भाग	00	01.0	00	02
	169/13 "	00	01.0	00	02
	169/4 "	00	04.5	00	11
	169/3 "	00	05.5	00	14
	169/1 "	00	12.0	00	30
	168/29 भाग	00	03.0	00	08
	168/30 "	00	01.5	00	04
	163/12 "	00	04.5	00	11
	163/11 "	00	03.5	00	09
	163/10 "	00	03.0	00	08
	163/9 "	00	01.0	00	03
	163/8 "	00	01.0	00	03
	163/22 "	00	05.5	00	14
	163/18 "	00	01.0	00	02
	163/6 "	00	03.0	00	08
	163/19 "	00	00.5	00	01
	162/6 "	00	01.0	00	02
	162/3 "	00	06.0	00	16
	162/5 "	00	04.0	00	10
	158/30 पूरा	00	05.5	00	14
	158/11 भाग	00	01.0	00	03
	158/13 "	00	00.5	00	01
	158/17 "	00	00.5	00	01
	158/29 "	00	04.0	00	10
	158/28 "	00	02.0	00	05
	158/22 "	00	00.5	00	01
	158/23 "	00	22.5	00	55
	155/6 "	00	21.0	00	52
	154/1 "	00	13.5	00	38
	153/ "	00	24.5	00	60
	152/ भाग	00	00.5	00	01
	127/7 "	00	02.0	00	05
	127/6 "	00	07.5	00	18
	127/4 "	00	18.0	00	44
	127/8 "	00	00.5	00	01
	127/3 "	00	07.5	00	18
	127/2 "	00	05.5	00	13
	131/7 "	00	00.5	00	01
	131/6 "	00	04.5	00	11
	131/5 "	00	05.5	00	13
	131/4 "	00	09.5	00	23
	131/3 "	00	02.5	00	06
	131/2 "	00	07.5	00	19
	131/1 "	00	09.5	00	23
	132/3	00	15.0	00	37
	79/2 भाग	00	13.0	00	32
	79/3 "	00	10.0	00	25
	79/1 "	00	03.0	00	07
	79/19 "	00	05.5	00	14
	79/20 "	00	00.5	00	01

	2	3	4	5	6
घट्टम (संत)	18/1 भाग	00	04.0	00	10
	16/1 एल "	00	09.5	00	21
	16/11 "	00	09.5	00	23
	16/1 एन "	00	18.5	00	46
	16/2 एम "	00	00.5	00	01
	16/1 एल "	00	09.5	00	23
प्रचोला बोली	27/1 "	00	25.0	00	62
	28/1 "	00	01.0	00	02
	28/2 "	00	33.0	00	81
	29/1 "	00	31.0	00	76
	29/2 "	00	19.0	00	47
	25/1 बी 5	00	18.0	00	45
	25/1 बी 6 "	00	09.0	00	22
	25/1 बी 7 "	00	09.5	00	23
	25/1 बी 15 "	00	00.5	00	01
	25/1 बी 16 "	00	18.0	00	44
	25/1 बी 19 "	00	10.5	00	26
	25/1 बी 20 "	00	08.0	00	20
	25/1 बी 28 "	00	17.5	00	43
	25/1 बी 29	00	01.0	00	02
	25/1 बी 33 भाग	00	17.5	00	44
	25/1 बी 38 "	00	09.5	00	23
	25/1 सी 4 "	00	17.5	00	44
	25/1 सी 17 "	00	17.5	00	44
	25/1 सी 24 "	00	01.5	00	04
	25/1 सी 25 "	00	17.0	00	42
	25/1 सी 28 "	00	01.0	00	02

[फा० सं. प्रार० 31015/6/95-जी.प्रार-II]

एच. सी. खुराना, प्रवर सचिव

New Delhi, 10th October, 1995

S.O. 2852.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum products from Visakhapatnam to Vijayawada in the State of Andhra Pradesh through VISAKHA—VIJAYAWADA pipeline should be laid by the Hindustan Petroleum Corporation Limited.

And whereas it appears that for the purpose of laying the said pipeline it is necessary to acquire the right of user in the land described in the schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 3 of the Petroleum & Minerals Pipelines (Acquisition of Right of user in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of the notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Visakha-Vijayawada Pipeline Project, Hindustan Petroleum Corporation Limited, D.No.7-20-7, Plot No. 1, Kirlampudi Layout, Visakhapatnam-530023, Andhra Pradesh.

SCHEDULE
VISAKHA-VIJAYAWADA PIPELINE PROJECT
HINDUSTAN PETROLEUM CORPORATION LIMITED

MANDAL : KASIMKOTA

PAGE NO. 1

STATE : ANDHRA PRADESH

DISTRICT : VISAKHAPATNAM

Name of Village	Survey No/ Sub Division	HEC	AREA		CTS
			ARE	ACRE	
CHARAKAM	47/20 PART	00	02.5	00	06
	47/21 ..	00	04.0	00	10
	47/15 ..	00	02.0	00	05
	47/23E ..	00	01.5	00	04
	47/23D ..	00	05.5	00	14
	47/23C ..	00	01.0	00	03
	47/13 ..	00	01.0	00	03
	47/12 ..	00	01.5	00	04
	47/23B ..	00	11.0	00	27
	47/24E ..	00	00.5	00	01
	47/24A ..	00	03.0	00	07
	47/23F ..	00	00.5	00	01
	34/10 ..	00	02.0	00	05
	34/11 ..	00	07.0	00	17
	34/8 ..	00	01.0	00	03
	34/7D ..	00	04.5	00	11
	34/7C ..	00	05.0	00	12
	34/6 ..	00	01.0	00	03
	36/10 ..	00	09.0	00	22
	36/8B ..	00	00.5	00	01
	36/9A ..	00	01.5	00	04
	36/9B ..	00	05.0	00	12
	51/4 ..	00	05.0	00	12
	51/1 ..	00	03.5	00	09
	51/2 ..	00	07.5	00	18
	51/3 ..	00	00.5	00	01
	51/15B ..	00	03.0	00	08
	51/15A ..	00	02.0	00	05
	51/19B ..	00	02.5	00	06
	51/19C ..	00	01.0	00	03
	51/19D ..	00	02.5	00	06
	51/16 ..	00	02.5	00	06
	51/17 ..	00	03.0	00	07
	51/18A ..	00	00.5	00	01
	81/41 ..	00	02.0	00	05
	71/1A ..	00	00.5	00	01
	71/1B ..	00	00.5	00	01
	71/2A ..	00	04.5	00	11
	71/2C ..	00	02.0	00	05
	71/2B ..	00	06.0	00	15
	72/5A ..	00	03.5	00	09
	72/5D ..	00	02.5	00	06
	72/5E ..	00	01.5	00	04
	72/4 ..	00	02.5	00	06

1	2	3	4	5	6
CHARAKAM (Contd.)	74/5 Post	00	01.0	00	03
	74/4 „	00	03.5	00	09
	74/6 „	00	01.0	00	02
	74/11A „	00	00.5	00	01
	74/15 „	00	02.0	00	05
	74/16 „	00	02.0	00	05
	74/14A FULL	00	02.0	00	05
	74/14B PART	00	01.0	00	02
	74/13 „	00	01.5	00	04
	74/17 „	00	00.5	00	01
	74/18 „	00	01.0	00	03
	74/19 „	00	04.5	00	11
	74/20 „	00	04.5	00	11
	77/24 „	00	03.5	00	09
	77/23 „	00	03.0	00	08
	77/22 „	00	07.0	00	17
	77/27 „	00	00.5	00	01
	77/20 „	00	01.5	00	04
	77/21 „	00	01.5	00	04
	76/10 „	00	09.5	00	24
	76/21A „	00	01.0	00	03
	76/21B „	00	01.0	00	02
	76/21C „	00	00.5	00	01
	76/11 „	00	04.0	00	10
	76/12 „	00	01.0	00	02
	76/13 „	00	01.5	00	02
	91/9 „	00	00.5	00	01
	91/8 „	00	03.0	00	07
	91/10 „	00	03.5	00	09
	91/7 „	00	04.0	00	10
	91/6 „	00	04.0	00	10
	91/5 „	00	07.5	00	18
	91/3 „	00	13.0	00	32
	91/2 „	00	00.5	00	01
	91/4 „	00	11.5	00	28
THEEDA	317/12 „	00	05.5	00	14
	317/11 „	00	02.5	00	06
	317/9 „	00	05.5	00	13
	317/10 „	00	03.5	00	09
	317/8 „	00	00.5	00	01
	317/7 „	00	02.0	00	05
	317/5 „	00	13.0	00	32
	316/10 „	00	06.5	00	16
	316/11 „	00	01.5	00	04
	316/12 „	00	00.5	00	01
	316/9 „	00	05.5	00	13
	316/8 „	00	07.0	00	17
	57/13 „	00	01.0	00	02
	315/8 „	00	01.0	00	03
	315/15 „	00	04.0	00	10
	315/14 „	00	04.5	00	11
	315/9 „	00	01.0	00	03
	315/10 „	00	00.5	00	01
	315/13 „	00	04.5	00	11
	315/11 „	00	03.5	00	09
	69/15	00	04.5	00	11

1	2	3	4	5	6
THEEDA (Contd.)	69/17 PART	00	00.5	00	01
	69/16 ..	00	01.0	00	02
	69/13 ..	00	01.0	00	03
	69/14 ..	00	02.0	00	05
	69/12 ..	00	03.0	00	07
	69/11 ..	00	01.0	00	03
	70/22 ..	00	02.5	00	06
	70/21 ..	00	05.0	00	12
	70/20 ..	00	02.0	00	05
	70/19 ..	00	01.5	00	04
	70/18 ..	00	03.0	00	08
	70/14 ..	00	03.5	00	09
	71/ ..	00	02.5	00	06
	88/ ..	00	00.5	00	01
	86/15 ..	00	04.5	00	11
	86/16 ..	00	03.0	00	08
	86/14 ..	00	05.5	00	13
	86/13 ..	00	05.0	00	12
	86/12 ..	00	11.0	00	27
	86/11 ..	00	07.0	00	17
	86/8 ..	00	00.5	00	01
	86/7 ..	00	00.5	00	01
	86/5 ..	00	05.5	00	14
	86/4 ..	00	02.0	00	05
	86/3 ..	00	01.0	00	03
	85/1 ..	00	03.0	00	08
	83/1 ..	00	00.5	00	01
	100/56 ..	00	00.5	00	01
	100/57 ..	00	02.0	00	05
	100/49 ..	00	03.0	00	08
	100/48 ..	00	03.0	00	08
	100/50 ..	00	01.0	00	03
	100/51 ..	00	00.5	00	01
	100/46 ..	00	01.5	00	04
	100/47 ..	00	03.0	00	07
	100/43 ..	00	00.5	00	01
	100/42 ..	00	00.5	00	01
	100/41 ..	00	00.5	00	01
	101/23 ..	00	00.5	00	01
	101/22 ..	00	01.0	00	03
	101/21 ..	00	02.5	00	06
	101/18 ..	00	00.5	00	01
	101/17 ..	00	01.0	00	03
	101/16 FULL	00	01.0	00	03
	101/15 PART	00	00.5	00	01
	101/14 ..	00	01.5	00	04
	101/13 ..	00	01.0	00	03
	101/12 ..	00	01.5	00	04
	101/11 ..	00	01.0	00	02
	101/8 ..	00	03.0	00	08

1	2	3	4	5	6
THEEDA (Contd.)	101/7 PART	00	04.0	00	10
	101/6 „	00	01.0	00	03
	101/5 „	00	00.5	00	01
	102/1 „	00	07.0	00	17
	104/23 „	00	09.5	00	24
	104/24 „	00	00.5	00	01
	104/26 „	00	00.5	00	01
	104/27 „	00	04.0	00	10
	104/22 „	00	00.5	00	01
	104/28 „	00	04.0	00	10
	104/17 „	00	00.5	00	01
	104/31 „	00	09.0	00	22
	104/33 „	00	01.5	00	04
	169/20 „	00	07.5	00	18
	169/19 „	00	00.5	00	01
	169/18 „	00	00.5	00	01
	169/17 „	00	00.5	00	01
	169/16 „	00	01.0	00	03
	169/15 „	00	02.5	00	06
	169/14 „	00	01.5	00	04
	169/12 „	00	01.0	00	02
	169/13 „	00	01.0	00	02
	169/4 „	00	04.5	00	11
	169/3 „	00	05.5	00	14
	169/1 „	00	12.0	00	30
	168/29 PART	00	03.0	00	08
	168/30 „	00	01.5	00	04
	163/12 „	00	04.5	00	11
	163/11 „	00	03.5	00	09
	163/10 „	00	03.0	00	08
	163/9 „	00	01.0	00	03
	163/8 „	00	01.0	00	03
	163/22 „	00	05.5	00	14
	163/18 „	00	01.0	00	02
	163/6 „	00	03.0	00	08
	163/19 „	00	00.5	00	01
	162/6 „	00	01.0	00	02
	162/3 „	00	06.0	00	16
	162/5 „	00	04.0	00	10
	158/30 FULL	00	05.5	00	14
	158/11 PART	00	01.0	00	03
	158/13 „	00	00.5	00	01
	158/17 „	00	00.5	00	01
	158/29 „	00	04.0	00	10
	158/28 „	00	02.0	00	05
	158/22 „	00	00.5	00	01
	158/23 „	00	22.5	00	55
	155/6 „	00	21.0	00	52
	154/1 „	00	13.5	00	33
	153/ „	00	24.5	00	60

1	2	3	4	5	6
THEEDA (Contd.)	152/ PART	00	00.5	00	01
	127/7 „	00	02.0	00	05
	127/6 „	00	07.5	00	18
	127/4 „	00	18.0	00	44
	127/8 „	00	00.5	00	01
	127/3 „	00	07.5	00	18
	127/2 „	00	05.5	00	13
	131/7 „	00	00.5	00	01
	131/6 „	00	04.5	00	11
	131/5 „	00	05.5	00	13
	131/4 „	00	09.5	00	23
	131/3 „	00	02.5	00	06
	131/2 „	00	07.5	00	19
	131/1 „	00	09.5	00	23
	132/3 „	00	15.0	00	37
ADDAM	79/2 „	00	13.0	00	32
	79/3 „	00	10.0	00	25
	79/1 „	00	03.0	00	07
	79/19 „	00	05.5	00	14
	79/20 „	00	00.5	00	01
ADDAM (Contd.)	18/1 „	00	04.0	00	10
	16/1H „	00	09.5	00	24
	16/1I „	00	09.5	00	23
	16/1N „	00	18.5	00	46
	16/1M „	00	00.5	00	01
	16/1L „	00	09.5	00	23
ATCHERLA	27/1 „	00	25.0	00	62
	28/1 „	00	01.0	00	02
	28/2 „	00	33.0	00	81
	29/1 „	00	31.0	00	76
	29/2 „	00	19.0	00	47
	25/1B 5 „	00	18.0	00	45
	25/1B 6 „	00	09.0	00	22
	25/1B 7 „	00	09.5	00	23
	25/1B 15 „	00	00.5	00	01
	25/1B 16 „	00	18.0	00	44
	25/1B19 „	00	10.5	00	26
	25/1B 20 „	00	08.0	00	20
	25/1B 28 „	00	17.5	00	43
	25/1B 29 „	00	01.0	00	02
ATCHERLA (Contd.)	25/1B 33 PART	00	17.5	00	44
	25/1B 38 „	00	09.5	00	23
	25/1C 4 „	00	17.5	00	44
	25/1C 17 „	00	17.5	00	44
	25/1C 24 „	00	01.5	00	04
	25/1C 25 „	00	17.0	00	42
	25/1C 28 „	00	01.0	00	02

शुद्धिपत्र

नई दिल्ली, 17 अक्तूबर, 1995

का.प्रा. 2853.—भारत के असाधारण राजपत्र दिनांक मार्च 28, 1995 में पेट्रोलियम और खनिज पार्श्व लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अन्तर्गत हिन्दी में प्रकाशित निम्नलिखित अधिसूचनाओं के साथ दी गई अनुसूची में उल्लिखित ग्राम व तहसील के नाम निम्नानुसार पढ़े जायें।

राजपत्र के अनुसार		निम्न संशोधन के अनुसार पढ़ा जाये	
असाधारण राजपत्र दि. 28-3-95 की पृष्ठ संख्या	अधिसूचना क्रमांक व दिनांक	अनुसूची में छपा ग्राम व तहसील का नाम	ग्राम व तहसील का सही नाम
1	2	3	4
1	का.प्रा. 255(अ) दिनांक 24-3-95	राखेरा तहसील जीरा	राखेरा तहसील जीरा
2	का.प्रा. 255(अ) दिनांक 24-3-95	भारा तहसील जीरा	भरा तहसील जीरा
3	का.प्रा. 256(अ) दिनांक 24-3-95	हुसैनपुर तहसील जीरा	हुसैनपुर तहसील जीरा
4	का.प्रा. 256(अ) दिनांक 24-3-95	जापधाम तहसील जीरा	जापधाम तहसील जीरा
4	का.प्रा. 256(अ) दिनांक 24-3-94	खेरली तहसील जीरा	खेरली तहसील जीरा
5	का.प्रा. 256(अ) दिनांक 24-3-95	धुरकुण्डा तहसील जीरा	धुरकुण्डा तहसील जीरा
6	का.प्रा. 256(अ) दिनांक 24-3-95	टेलरी तहसील जीरा	टेलरी तहसील जीरा
6	का.प्रा. 256(अ) दिनांक 24-3-95	गोपालपुर तहसील जीरा	गोपालपुरा तहसील जीरा
9	का.प्रा. 256(अ) दिनांक 24-3-95	भज्जेकापुरा तहसील जीरा	भज्जेकापुरा तहसील जीरा
16	का.प्रा. 257(अ) दिनांक 24-3-95	भील सया तहसील केलारस	भीलसैया तहसील केलारस
16	का.प्रा. 257(अ) दिनांक 24-3-95	बेरईमानगढ़ तहसील केलारस	बेरईमानगढ़ तहसील केलारस
17	का.प्रा. 257(अ) दिनांक 24-3-95	भूराबली तहसील केलारस	भूराबली तहसील केलारस
17	का.प्रा. 257(अ) दिनांक 24-3-95	बिलौआ तहसील केलारस	बिलौआ तहसील केलारस
18	का.प्रा. 247(अ) दिनांक 24-3-95	देशकच्छ तहसील केलारस	देवकच्छ तहसील केलारस

1	2	3	4
18 का.आ. 257(अ) दिनांक 24-3-95	सगोरिया तहसील तेलाराम	सगोरिया तहसील तेलाराम	
25 का.आ. 258(अ) दिनांक 25-3-95	तिकरावदी तहसील गिवपुरी	मिकरावदी तहसील गिवपुरी	
44 का.आ. 267(अ) दिनांक 21-3-95	फिरोदा तहसील कोलारम	विपरोदा तहसील कोलारम	
46 का.आ. 268(अ) दिनांक 24-3-95	बड़डा तहसील पोहरी	बूड़डा तहसील पोहरी	
53 का.आ. 272(अ) दिनांक 24-3-95	बूठरा तहसील विजयपुर	बूठेरा तहसील विजयपुर	

[संख्या एन-14016/7/94-जी.पी.)]

अर्चेंदु सेन, निदेशक

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली 14 सितम्बर, 1995

का. आ. 2854.— केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (क) के अनुसरण में और महाराष्ट्र सरकार के परामर्श से डा. नित्यानन्ध वसंत मांडके तेजपाल स्कीम, रोड नंबर 3, शिव स्वामी कृपा सोमायटी विले पार्ले (ईस्ट.) बम्बई 400057 को इस अधिसूचना के जारी होने की तारीख से भारतीय आयुर्विज्ञान परिषद् का सदस्य नाम-निर्दिष्ट करती है;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबंधों के अनुसरण में, भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की अधिसूचना संख्यांक का. आ. 138 तारीख 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है अर्थात्:—

उक्त अधिसूचना में धारा 3 (1) (क) के अधीन नाम-निर्दिष्ट शीर्ष के नीचे क्रम संख्यांक 5 और उगो संबंधित प्रविष्टि के पश्चात् निम्नलिखित क्रम संख्यांक और प्रविष्टियां अतः स्थापित की जाएंगी अर्थात्:—

“5, डा. नित्यानन्ध वसंत-मांडके
तेजपाल स्कीम, रोड नं. 3,
शिव स्वामी कृपा सोमायटी, विले पार्ले (ईस्ट.)
बम्बई-400057.”

[सं. बी. 11013/12/95-एम ई (यू जी)]
एस. के. मिश्रा, डेस्क ऑफिसर

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health)

New Delhi, the 14th September, 1995

S.O. 2854.—Whereas the Central Government, in pursuance of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of Maharashtra, have nominated Dr. Nityanath Vasant Mandke, Tejpal Scheme, Road No. 3, Shiv Swami Kripa Society, Vile Parle (East), Bombay-400057 to be a member of the Medical Council of India with effect from the date of issue of this notification;

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the then Ministry of Health number S.O. 138, dated the 9th January, 1960, namely:—

In the said notification, under the heading, “Nominated under clause (a) of sub-section (1) of section 3”, for serial number 5 and the entries relating thereto, the following serial number and entries shall be substituted, namely:—

“5. Dr. Nityanath Vasant Mandke,
Tejpal Scheme, Road No. 3,
Shiv Swami Kripa Society,
Vile Parle (East),
Bombay-400057.”

[No. V. 11013/12/95-ME(UG)]

S. K. MISHRA, Desk Officer

आदेश

नई दिल्ली, 10 अक्टूबर, 1995

का. आ. 2855.—निम्नी विश्वविद्यालय, आस्ट्रेलिया द्वारा प्रदान की गई आयुर्विज्ञान प्रहता, अर्थात् “एम. बी. बी. एम.” भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) के प्रयोजन के लिए मान्यताप्राप्त आयुर्विज्ञान प्रहता है ;

डा. हम्फ्री जान गोम्म जिनके पास उक्त प्रहता है आस्ट्रेलिया में न्यू साउथ वेल्स के साथ रजिस्ट्रीकृत है और उनकी रजिस्ट्रीकृत संख्या एम. पी. 0228679, तारीख 31 दिसम्बर, 1986 है। इस समय कुछ रोग में प्रशिक्षण और अनुसंधान के लिए स्वचा संस्थान और स्वचा विज्ञान विद्यालय एन. ह्वाक ग्रेटर कैलाश नई दिल्ली से (जिसे तत्पश्चात् उक्त स्वचा संस्थान कहा गया है) संबन्ध है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 14 की उपधारा (1) के परन्तुक के खंड (क) और (ख) के साथ पठित खंड (ग) के अनुसरण में:—

(क) इस अधिसूचना के जागे किए जाने की तारीख से एक वर्ष की अवधि को या

(ख) उस अवधि को जिसके दौरान डा. हम्फ्री जान गोमा उक्त त्वचा संस्थान से संलग्न है,

इसमें से जो भी कम है ऐसी अवधि के रूप में विनिर्दिष्ट करनी है जिस तक डाक्टर का चिकित्सा व्यवसाय कुष्ठ रोग में प्रशिक्षण और अनुसंधान के प्रयोजन के लिए उक्त त्वचा संस्थान तक सीमित होना।

[स. यो. 11016/6/95-एम. ई. (यू. जी.)]
एम. के. मिश्र, डेस्क अधिकारी

ORDER

New Delhi, the 10th October, 1995

S.O. 2855.—Whereas the medical qualification, namely, "M.B.B.S." granted by the University of Sydney, Australia is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956) (hereinafter referred to as the said Act);

And, whereas, Dr. Humphry John Gomes who possesses the said qualification is registered with New South Wales in Australia vide registration number M.P. 0228679 dated 31st December, 1986, and is for the time being attached to Skin Institute and School of Dermatology, N. Block, Greater Kailash, New Delhi (hereinafter referred to as the said Skin Institute) for training and research in Leprosy.

Now, therefore, in pursuance of clause (c) read with clauses (a) and (b) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies:—

(i) a period of one year from the issue of this notification; or

(ii) the period during which Dr. Humphry John Gomes is attached to the said Skin Institute,

whichever is shorter, as the period to which the medical practice of the aforesaid doctor shall be limited to the said Skin Institute for the purpose of training and research in leprosy.

[No. V. 11016/6/95-ME(UG)]
S. K. MISHRA, Desk Officer

(अन्तरिक विभाग)

नई दिल्ली 12 अक्तूबर, 1995

का. आ. 2856.—राष्ट्रपति संविधान के अनुच्छेद 309 के परन्तु क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अंतर्गत विभाग कर्मचारी (वर्गीकरण, नियंत्रण और अपील) नियम 1976 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्—

1. (1) इन नियमों का संक्षिप्त नाम अन्तरिक्ष विभाग कर्मचारी (वर्गीकरण, नियंत्रण और अपील) संशोधन नियम 1995 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. अन्तरिक्ष विभाग कर्मचारी (वर्गीकरण नियंत्रण तथा अपील) नियमावली 1976 में, अर्थात्—

(क) नियम 12 में उप-नियम (1) के पश्चात् निम्नलिखित उप-नियमों को अन्तः स्थापित किया जाएगा, अर्थात्—

“(1अ) अनुशासनिक प्राधिकारी स्वयं द्वारा की गई जांच यदि कोई हो, की रिपोर्ट की एक प्रति अथवा जहाँ अनुशासनिक प्राधिकारी जांच प्राधिकारी न हो तो जांच प्राधिकारी की रिपोर्ट की एक प्रति उस कर्मचारी को प्रेषित करेगा अथवा प्रेषित करवाएगा जिसने कर्मचारी यदि वह चाहे तो इस बात को ध्यान में रखे बिना कि रिपोर्ट उसके पक्ष में है अथवा नहीं 15 दिन के भीतर अनुशासनिक प्राधिकारी को अपना लिखित अभ्यावेदन प्रस्तुत करने की आज्ञा का जाएगा।

(1अ) अनुशासनिक प्राधिकारी उप नियम (2) से (4) में विनिर्दिष्ट ढंग से आगे की कार्यवाही से पूर्व कर्मचारी द्वारा प्रस्तुत अभ्यावेदन यदि कोई हो, पर विचार करेगा।”

(ख) नियम 11 के विधे, निम्नलिखित नियम प्रस्थापित किया जायेगा, अर्थात्—

“11. आदेशों का संग्रहण,—

अनुशासनिक प्राधिकारी द्वारा दिये गये आदेश कर्मचारी को संग्रहित किये जायेंगे तथा ऐसे आदेशों को प्रत्येक महीने पर अनुशासनिक प्राधिकारी के निष्कर्षों की प्रति भी भेजी जायेगी अथवा जहाँ अनुशासनिक प्राधिकारी जांच प्राधिकारी न हो वहाँ अनुशासनिक प्राधिकारी के निष्कर्षों का विवरण उसकी अग्रहमति के संक्षिप्त कारणों सहित यदि कोई हो जांच प्राधिकारी के निष्कर्ष तथा आदेशों द्वारा दिये गये परामर्श यदि कोई हो को भी भेजा जायेगा अथवा अनुशासनिक प्राधिकारी ने आदेशों के परामर्श को नहीं माना है वहाँ परामर्श न मानने के कारणों का संक्षिप्त विवरण भी कर्मचारी को भेजा जायेगा।

[का. सं. 2/5(1)/91-जी।]

रा. गो. नडादूर, निदेशक

टिप्पणी :—मूल नियमों को दिनांक 1-04-1976 के अधिवृत्तना सं. 2/9(12)/74-II(I) द्वारा भारत के राजपत्र (असाधारण) भाग-II खण्ड 3, उपखण्ड (ii) दिनांक 1-04-1976 को प्रकाशित किया गया तथा तदनंतर निम्नानुसार द्वारा संशोधन किया गया है:—

क्रम सं.	एम जी सं. (अधिवृत्तना सं.)	दिनांक
1.	780(2)/10(32)/76-I	12-03-1977(10-02-1977)
2.	2127(2)/10(32)/76-I	25-06-1977(16-05-1977)
3.	2709(2)/10(27)/76-I	02-09-1977(01-08-1977)
4.	585(2)/7(5)/77-I	25-02-1978(15-02-1978)
5.	1780(2)/7(5)/77-I	17-06-1978(27-05-1978)
6.	1178(2)/9(12)/74-II	07-04-1979(16-03-1979)
7.	1684(9)/4(1)/80-II	21-06-1980(26-05-1980)
8.	1684(9)/4(1)/80-II	21-06-1980(26-05-1980)
9.	2586(9)/4(1)/80-II	27-09-1980(05-09-1980)
10.	3299(9)/4(1)/80-II	29-11-1980(13-10-1980)
11.	3300(9)/4(1)/80-II	29-11-1980(13-10-1980)
12.	215(9)/4(1)/80-II	17-01-1981(20-12-1980)
13.	215(9)/4(1)/80-II	17-01-1981(20-12-1980)
14.	2592(2)/8(1)/81-I	03-10-1981(28-08-1981)
15.	3113(2)/8(1)/81-I	04-03-1982(16-07-1982)
16.	4280(2)/9(1)/83-I(V)	14-09-1985(29-07-1985)
17.	510(2)/5(1)/85-V	08-02-1986(02-01-1986)
18.	511[2/9(1)/83-I(V)]	08-02-1986(02-01-1986)
19.	1309(2/5(1)/86-V)	29-03-1986(17-03-1986)
20.	3874(2/5(2)/86-V)	15-11-1986(20-10-1986)
21.	99(2/5(1)/90-IV)	09-02-1991(01-01-1991)
22.	334[2/5(2)/86-V(VI) (बो-II)]	15-11-1991(15-11-1991)
23.	2891(2)/5(1)/91-(VI)	23-10-1992(23-10-1992)
24.	1029(2/5(1)/95-V)	15-04-1995(24-03-1995)

DEPARTMENT OF SPACE

New Delhi, the 12th October, 1995

S.O. 2856.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Department of Space Employees' (Classification, Control and Appeal) Rules, 1976, namely:—

1. (1) These rules may be called the Department of Space Employees' (Classification, Control and Appeal) Amendment Rules, 1995.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Department of Space Employees' (Classification, Control and Appeal) Rules, 1976,—

(a) in rule 12, after sub-rule (1), the following sub-rules shall be inserted, namely:—

“(1A) The disciplinary authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the disciplinary authority or where the disciplinary authority is not the inquiring authority a copy of the report of the inquiring authority to the employee who shall be required to submit, if he so desires, his written representation or submission to the disciplinary authority within fifteen days, irrespective of whether the report is favourable or not to the employee.

(1B) The disciplinary authority shall consider the representation, if any, submitted by the employee before proceeding further in the manner specified in sub-rules (2) to (4)”.

(b) for rule 14, the following rule shall be substituted, namely:—

“14. Communication of orders,—

Orders made by the disciplinary authority shall be communicated to the employee who shall also be supplied with a copy of its finding on each article of charge, or where the disciplinary authority is not the inquiring authority, a statement of the findings of the disciplinary authority together with brief reasons for its disagreement, if any, with the finding of the inquiring authority and also a copy of the advice, if any given by the Commission, and where the disciplinary authority has not accepted the advice of the Commission, a brief statement of the reasons for such non-acceptance”.

[F.No.2/5(1)/91-V]

R. G. NADADUR, Director

Note: Principle Rules were published vide Notification No.2/9(12)/74-III(I) dated 1-4-1976 in the Gazette of India (Extraordinary), Part-II Section-3 sub-section (ii) dated 1-4-1976 and have been subsequently amended by:—

Sl. No.	S.O.No.	Dated
1	2	3
1.	780 (2/10(32)/76-I)	12-03-1977 (10-02-1977)
2.	2127 (2/10(32)/76-I)	25-06-1977 (16-05-1977)
3.	2709 (2/10(27)/76-I)	02-09-1977 (01-08-1977)
4.	585 (2/7 (5)/77-I)	25-02-1978 (15-02-1978)
5.	1780 (2/7(5)/77-I)	17-06-1978 (27-05-1978)
6.	1178 (2/9(12)/74-III)	07-04-1979 (16-03-1979)
7.	1684 (9/4(1)/80-III)	21-06-1980 (26-05-1980)
8.	1684 (9/4(1)/80-III)	21-06-1980 (26-05-1980)

1	2	3
9.	2586 (9/4(1)/80-III)	27-09-1980 (05-09-1980)
10.	3299(9/4(1)/80-III)	29-11-1980 (13-10-1980)
11.	3300 (9/4(1)/80-III)	29-11-1980 (13-10-1980)
12.	215 (9/4(1)/80-III)	17-01-1981 (20-12-1980)
13.	215 (9/4(1)/80-III)	17-01-1981 (20-12-1980)
14.	2592 (2/8(1)/81-I)	03-10-1981 (28-03-1981)
15.	3113 (2/8(1)/81-I)	04-09-1982 (16-07-1982)
16.	4280 [2/9(1)/83-I(V)]	14-09-1985 (29-07-1985)
17.	510 (2/5(1)/85-V)	08-02-1986 (02-01-1986)
18.	511 [2/9(1)/83-I(V)]	08-02-1986 (02-01-1986)
19.	1309 (2/5(1)/86-V)	29-03-1986 (17-03-1986)
20.	3874 (2/5(2)/86-V)	15-11-1986 (20-10-1986)
21.	99 (2/5(1)/90-VI)	09-02-1991 (01-01-1991)
22.	331[2/5(2)/86-V(VI)] (Vol. III)	15-11-1991 (15-11-1991)
23.	2891 (2/5(1)/91-VI)	23-10-1992 (23-10-1992)
24.	1029 (2/5(1)/95-V)	15-01-1995 (24-03-1995)

श्रम मंत्रालय

नई दिल्ली, 29 सितम्बर, 1995

का.प्र. 2857.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुवर्ण में, केन्द्रिय सरकार बम्बई पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रिय सरकार औद्योगिक अधिरक्षण नं. 2 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रिय सरकार की को 28-9-95 को प्राप्त हुआ था।

[संख्या एन-31011/29/92-आई आर (विवाद)]

बी. एम. डेविड, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 29th September, 1995

S.O. 2857.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bombay Port Trust and their workmen, which has received by the Central Government on the 28-9-95.

[No. L-31011/29/92-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT:

Shri S.B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/72 of 1993

EMPLOYERS IN RELATION TO THE MANAGEMENT OF BOMBAY PORT TRUST

AND

THEIR WORKMEN

APPEARANCES:

For the Employer : Shri M.B. Anchan, Advocate.

For the Workmen : Shri P.G. Uparkar, Representative.

Bombay, dated 31st August, 1995

AWARD

The Government of India, Ministry of Labour by its letter No. L-31011/29/92-IR(Misc.) dt. 1-10-93 had referred to the following Industrial Dispute for adjudication.

"Whether the claim of Bombay Port Trust Mazdoor Sangh that the introduction of second shift and proposed reduction of posting of staff on Heavy Lift Cranes of EESD by the Electrical Superintendent in CME Department of Bombay Port Trust w.e.f. 6-1-92 is unlawful is justified? If so, what relief, are the workmen entitled to?"

2. The General Secretary for Bombay Port Trust Mazdoor Sangh had filed the Statement of Claim. It is submitted that he Superintendent, Electrical EESD has prepared a "Muster Roll" of Heavy Lift Crane Drivers Staff to be effective from 6-1-92, wherein he introduced a second shift from the Muster Roll. It is very clear that he reduced the number of the staff from 7 to 4. No notice for this proposed change was issued in the prescribed form as required under the provisions of Industrial Dispute Act, 1947. It is pleaded that as per the existing practice, whenever the requisition for Cranes for work in the second shift was received occasionally, the entire day shift staff was directed to attend duties on overtime basis. It is submitted that the proposed change in service conditions is without any notice under Sec. 9A of the Industrial Disputes Act which is illegal.

3. The workman by their letter dated 16-12-91 requested the authorities not to effect such a change. It is pleaded that the Management tried to effect such change in the year, 1990 when an Industrial Dispute was raised before the Conciliation Officer. They contended and submitted that the change will not be effected at that time. It is averred that under such circumstances the action which is tried to be taken by the Management is contrary to the law. It is submitted that for all these reasons it may be declared that the action of the Management of introduction of second shift is on-lawful. And the action of the Management of making the workers as 'Absence' in spite of their attending duties in usual shift from 6-1-92 to 10-1-92 is unlawful. Hence, the management may be directed to pay the wages of the workers for above five days.

4. The Management resisted the claim by their Written Statement Ex. 3. It is submitted that for lifting of heavy consignments, the Bombay Port Trust is maintaining three Heavy Lift Cranes viz. 60 Ton Howrah Crane at H.D.D., 30 Ton Heavy Lift Crane at Jetty End and 15 Ton Metalana Crane at M.O.D. prior to 1983. During that period the staff are deployed for operating these cranes in two shifts. In 1983, the Metalana Crane at M.O.D. was put out of commission due to major defects and in 1988 Howrah Crane at H.D.D. was also put out of commission due to defects in luffing arrangement. Therefore the second shift which was in operation was discontinued for the time being. No Union had raised any objection at that time. In the year 1985, when a new 20 Ton Mukund Iron Crane was acquired, the staff were deployed in the day shift only and whenever there was exigencies of work, some of the day shift staff were continued in the second shift on payment of overtime. Since then only two cranes are in operation and the staff deployed in Howrah Cranes at H.D.D. were idling without any work it was decided to redeploy the staff in two shifts. Hence there is no change in conditions of service but only a restoration of earlier practice was there and therefore no notice under Sec. 9A of the Industrial Disputes Act, 1947 is required. Therefore the Bombay Port Trust's action in redeploying the staff in the second shift was legal and justified.

5. The Management denied that while introducing the second shift which was already in existence. They have reduced the number of staff and increased the work load. It is averred that the staff has been distributed into two shifts according to the requirement and it has not reduced the staff strength of the Crane Section as alleged. It is denied that it has changed the service conditions. It is further submitted that the Electrical Establishment Southern Division on demand by the Union, the vacant posts of Heavy Lift Cranes staff were filled in 1991. Due to that there was surplus staff

in day shift which was diverted into the second shift. It is averred that the Management has every right to deploy staff in shift duties for which no notice under Sec. 9A is required. It is averred that the second shift was not a new practice, hence bilateral discussions were not considered necessary. It is submitted that it has not violated Sec. 23 and 33 of the Industrial Disputes Act. It is averred that the monetary claim which is tried to be made by the Union is unjustified. It is prayed that the reference may be answered in favour of the Management.

6. The issues that fall for my consideration and my findings thereon are as follows:

Issues	Findings
1. Whether it is proved that a notice under Sec. 9A of the Industrial Disputes Act is required as far as the introduction of the second shift ?	No
2. Whether it is proved that the Management had violated Sec. 23 and 33 of the Industrial Disputes Act of 1947 ?	No
3. Whether the claim of the Bombay Port Trust Mazdoor Sangh that the introduction of the second shift and proposed reduction of posting of staff on Heavy Lift Cranes of EESD by the Electrical Superintendent in C.M.E.'s Department of Bombay Port Trust w.e.f. 6-1-92 is unlawful and justified ?	No
4. Whether the Union is entitled to claim the monetary reliefs as claimed in the Statement of claim ?	No

REASONS

7. The Union and the Management have filed pursuant to Ex. 5 and 6 submitting that they do not want to lead any oral evidence. They filed their documents at Ex. 4, 7 and 8.

8. It is not in dispute that prior to 1983 the staff was deployed for operating these cranes in two shifts. Thereafter those cranes were put out of operations because of the damage. Later on, after making available of 20 Tons Mukund Iron Crane in 1985, the workers who were working in day shift were also employed in the second shift on the payment of overtime. Thereafter on 6-1-92 the Management introduced the second shift. It is argued on behalf of the Management that it is not a change in the service conditions not a introduction of a new second shift in the Company, but it is revival of the second shift which was in existence. I find substance in the same.

9. Mr. Uparkar the learned representative for the Union argued that the Management tried to introduce such a scheme earlier i.e. in the year 1990, he placed reliance on different document which were produced along with Ex. 4 to substantiate these contentions. Ex. 4/3 is the minutes of conciliation proceedings held on 11-5-90. It was held in that meeting:

- "The proposed change should be deferred till the conclusion of proceedings as the proposed changes has been introduced after a lapse of 5 years i.e. 1985 and no notice of change has been served on workmen & union".
- The Conciliation Officer directed to hold bilateral discussions between the Union and Management, immediately to resolve the issue.
- The Conciliation Officer directed the Management to arrange the meeting between the Chief Mechanical Engineer Electrical Superintendent and Union.

- (d) The Conciliation Officer further directed the Management & Union to strictly observe the requirement of I.D. Act 1947 during the pendency of Industrial Dispute.

It is not in dispute that the minutes were signed on behalf of the representative of the Management, Union and the Conciliation Officer. It is not in dispute that no meeting was arranged in view of the said meetings.

10. Ex. 4/4 is the copy of the concluding proceedings held on 22-5-90. Where on it is observed by the Conciliation Officer "The Management submitted that Bombay Port Trust did not continue the proposed change and also did not finalise the decision to implement the change". It is submitted that the Management abandoned continuance of second shift from 12-5-90. On its basis it is tried to argue that now the introduction of the second shift without any notice and prior to earlier conciliation proceedings is illegal. I am not inclined to accept it. It can be seen from the earlier proceedings that the Management nowhere accepted their position that notice under Sec. 9A is required for such a change. It can be further seen that they have nowhere stated, that they have no plans to introduce such a scheme at a later date but they have only submitted that they do not want to continue the proposed change and also did not finalise the decision to implement the change.

11. It cannot be disputed that the Management has right to deploy the employees in different shifts. If it is accepted that it is a revival of the second shift which was in existence, then in that case the allotment of the work of the employees in a different shift is a right of the Management. After refusal of the Muster Roll Ex. 4/1 it cannot be said that it is not in dispute that some workers who were working in the first shift were posted in the second shift. There is no evidence to show that by the change the work load was increased on the workers.

12. Sec. 23 of the I.D. Act deals with General Prohibition and Lock-outs and Sec. 33 deals with conditions of services etc. to remain unchanged under certain circumstances during conciliation proceedings. It is tried to argue that when the matter was before the conciliation proceedings the change was effected in receipt of the second shift but that does not appear to be correct. I, therefore, find that there is no application of those sections the present set of facts.

13. In the Statement of Claim the Union had claimed the dues of some of the workers for the period from 6-1-92 to 10-1-92. As I have come to the conclusion that the revival of the second shift is not a change in the service conditions. Further more so far as the absence of the workers mentioned in this claim is concerned there is no reference. Under such circumstances I record my findings on the issues accordingly and pass the following order:

ORDER

1. The claim of the Bombay Port Trust Mazdoor Sangh that the introduction of the second shift is not justified and legal.
2. Proposed reduction of posting of staff on Heavy Lift Cranes of EESD by the Electrical Superintendent in EMF Dept. of Bombay Port Trust w.e.f. 6-1-92 is legal & justified.
3. No order as to cost.

S. B. PANSE, Presiding Officer

नई दिल्ली, 29 सितम्बर, 1995

का.प्रा. 2858.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अन्वय में केन्द्रीय सरकार बम्बई पोर्ट ट्रस्ट के प्रबंधसंस्थ के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-95 को प्राप्त हुआ था।

[संख्या एल-31012/16/91-आई प्रार (विधि)]
डी.एस. डेविड डैस्क अधिकारी

New Delhi, the 29th September, 1995

S.O. 2858.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bombay Port Trust and their workmen, which has received by the Central Government on 29-9-95.

[No. L-31012/16/91-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT:

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/17 of 1992

Employers in relation to the management of Bombay Port Trust.

AND

Their Workmen.

APPEARANCES:

For the Employer: Shri M. B. Anchan, Advocate.

For the Workmen: Shri S. R. Wagh, Advocate.

Bombay, dated 5th September, 1995

AWARD

The Government of India, Ministry of Labour by its letter No. L-31012/16/91-IR(M) dated 16th of March, 1992 had referred the following Industrial Dispute for adjudication:

"Whether the action of the management of Bombay Port Trust in terminating the services of Shri V. R. Lokhande 'B' Category Mazdoor, Docks Department is legal and justified? If not, to what relief the workman is entitled to?"

2. The workman was working with Bombay Port Trust as 'B' Category Mazdoor. He was charged that he along with one Rane, another worker of the Bombay Port Trust committed theft of the property from Shed No. 13-B, Indira Docks, which was in the custody of Bombay Port Trust when they were posted for duty in the day shift at 21 I.D. Warehouse, on 28-5-1985. It is alleged that on that day on 3.30 p.m. both of them took a hand cart from 13-B I.D. Warehouse and loaded a wooden box from 13-B I.D. ware house on the hand cart and took the same out from the back side and were putting the said wooden box into a empty container. At that time the workman was apprehended and the other two ran away from the place. It is alleged that the workman failed to maintain absolute integrity and devotion to duty.

3. The chargesheet dated 21-2-87 was given to the workman and a Departmental Inquiry was conducted. The Inquiry Officer called Rane and the other workmen and found guilty on receipt of the charges levelled against him. She proposed punishment of dismissal to the worker, ultimately, the worker was dismissed from the services.

4. The workman alleged that the charges which were held against the workmen were not proved. It is averred that the Inquiry Officer failed in her duty to act as an impartial Inquiry Officer. It is submitted that the findings of the Inquiry Officer are bias, they are perverse and inconsistent with the evidence on the record and deserve to be rejected. It is pleaded that even otherwise the action of the Bombay Port Trust in terminating the services of the workman is impugnant to prevailing law, labour practices, natural justice, equity and good conscience. It is, therefore, prayed that the order of dismissal served on the workman is illegal be set aside and the workman be reinstated in service with full back wages and continuity of service w.e.f. 12-6-1989 on which day he was dismissed.

5. The management resisted the claim by their Written Statement (Ex. 6). It is averred that the Domestic Inquiry which was held against the workman was as per the principles of natural justice. It is denied that the Inquiry Officer had a bias mind against the worker. It is averred that the findings of the Inquiry Officer are on merit, well reasoned and are not perverse or otherwise as alleged by the workman. It is submitted that the action of the management taken is perfectly justified. It is prayed that the reference may be decided in favour of the Management.

6. The issues that fall for my consideration and my findings thereon are as follows :

ISSUES	FINDINGS
1. Whether the Inquiry which was held against the workman was against the principles of natural justice ?	No
2. Whether it is proved that the findings of the Inquiry Officer are perverse and inconsistent with the evidence and the record ?	No
3. Whether the action of the management of the B.P.T. in terminating the services of Sh. V. K. Lokhande, 'B' Category Mazdoor, Docks Dept. is legal and justified ?	Yes
4. If not, to what relief the worker is entitled to ?	Does not survive

REASONS

7. The Union and the Management filed a purshis at Ex. 8 and 10 respectively stating that they do not want to lead any oral evidence in the matter. They filed their written argument at Exs. 9 and 11 respectively. The Management filed the papers of Departmental Inquiry at Ex. 7. The Union filed the judgement delivered by the Metropolitan Magistrate at Ex. 9.

8. It is not in dispute that the criminal case bearing No. 178 of 1986 under Section 381 read that 114 of IPC was filed against the workmen Lokhande and Rane. Both of them were acquitted by the learned magistrate by his judgement dated 6th of November, 1987. It is also not in dispute that the worker and Rane were charge-sheeted (Ex. 7/1) of 21-2-87 and explanation of the said charge (Ex. 7/2) was given by the workmen. One Mrs. Rane was appointed as the Inquiry Officer, she started the Departmental Inquiry. It is not in dispute that the proceedings of the Departmental Inquiry were fair and just. It is no were mention that in a Departmental Inquiry the principles of natural justice were violated. It was inclined to frame this issue only because it is mentioned in the Statement of Claim that the Inquiry Officer failed to act as an impartial Inquiry Officer. After the removal of the court proceedings and the submissions made before him. I could not trace out any ground for coming to the conclusion that the Inquiry Officer was not fair.

9. The Inquiry proceedings are at Ex. 7/4. The report of the Inquiry Officer is at Ex. 7/5. The management had examined S. Kirat (PW1), Munabhai Kothari (PW2), Ambadas Moore (PW3) and Sudhir Dalvi (PW4). So far as the case is concerned the management examined these witnesses. The learned Magistrate after recording the evidence came to the conclusion that the prosecution has failed to prove its case beyond doubt and acquitted both the accused. Mr. Wagh the learned Advocate for the workman in his written arguments had given reasons which are given by the learned Magistrate for coming to the conclusion that the findings are perverse.

10. It is needless to say that there is a distinction between the criminal proceedings and departmental proceedings. In a criminal proceedings the principles is a protection of public, while in a disciplinary proceedings the principal test is the purity and efficient public service. A criminal court requires high standard of proof for convicting an accused, while such a standard is not required for finding the person guilty in a disciplinary proceedings and it is enough if there is preponderance of probability of the delinquents guilt. Strict rules

of evidence are not applicable to the proceedings in the Departmental Inquiry, but they are so applicable in a criminal proceedings. Taking into the above said proposition of law it is to be seen whether the evidence adduced before the Inquiry Officer was sufficient for coming to the conclusion which she arrived at. Waman Kirat and Sudhir Dalvi the witnesses of the Management affirmed that the workman was caught red-handedly at about 3 to 3.30 p.m. along with a wooden box at a place of incidence which was not his place of duty. They affirmed that they noticed three persons including the workman moving in a suspicious manner prior to the theft. They kept watch on them. Therefore, as soon as the workers removed the wooden case and placed the same on the hand cart, they ran behind them to catch them red-handed but they could only catch worker, Lokhande. They affirmed that Lokhande was posted at Shed 13-B I.D. from where he had removed the packages. This is corroborated by Mazumdar the Shed Superintendent. The worker admitted the fact that he was apprehended there. It is not in dispute that was not his place of work, but he tried to give explanation why he happened to be there. The explanation does not appear to be sound. It can be further seen that there is not suggestions nor evidence on the record that the Police constable had enmity with the worker to depose against him. As this is so there is no reason why their evidence is to be rejected on.

11. It is tried to argue on behalf of the Union that there is a contradiction between the witnesses in regard to the duth time. It is tried to be brought on the record that there is differentiate in a hour or so. Even if it is accepted that there is such contradiction that does not take away the truthness of the evidence of the witnesses. It does not lead to think that the worker was not there for committing the theft. Mr. Wagh the Learned Advocate for the Union tried to suggest that Kirat and Dalvi the Police constable tried to bring on the record that the incident took place at about 3 to 3.15 p.m. as against that Mr. Mazumdar the Shed Superintendent told that the theft took place at about 1 p.m. I have already observed above this as a very minor contradiction which cannot lead to think that the alleged incident had not taken place.

12. It is tried to argue on behalf of the Union that as Rane was acquitted the whole case of the prosecution that the three persons jointly committed the theft, goes away. I am not inclined to accept this submissions because when there are many accused, there might not be evidence for all of them. In that case the accused against whom there is no evidence are entitled to acquittal. It cannot be said that as they are acquitted, the remaining against whom there is evidence are also to be acquitted. The Inquiry Officer in her reasoned Inquiry Report acquitted Rane and found guilty Lokhande on the basis of the evidence before her. I do not find any perversity in the same. It is tried to argue that the Inquiry Officer had come to the conclusion that Lokhande alone had committed the theft. It is not so. It reveals from the evidence that when Lokhande was apprehended the other two person ran away from the place, Rane is concerned he was the worker of the Management and his name was revealed from the investigation. The third person was a outsider, he was not made accused in a criminal case also. The evidence and the record clearly points out that worker, Lokhande was guilty of the charges levelled against him.

13. After a receipt of the Report the Dock Manager issued a memo to the worker in which he was informed that he is to be dismissed from the services in view of the Inquiry Report. He filed his reply to the same. This was considered by the authority and then dismissal order was issued. It is not shown to me how a person is found guilty for committing the theft of the property of the Management and the Management can keep him in the services or can be given lesser punishment then that of a dismissal. I find that the punishment which is awarded by the Management is just and proper. In the result I record my findings and the issues accordingly and pass the following order :

ORDER

1. The action of the Management of the Bombay Port Trust in terminating the services of V. R. Lokhande 'B' Category Mazdoor, Docks Department is legal and justified.
2. No order as to cost.

S. B. PANSE, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 1995

का.आ. 2859.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एत ई सी एल के प्रबंधन के संबंध निरीक्षणों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई नं. 2 पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 4-10-95 को प्राप्त हुआ था।

(सं. एल-22012/364/94-आई आर (सी-2))

राजा लाल, डेस्क अधिकारी

New Delhi, the 6th October, 1995

S.O. 2859.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay No. 2 as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.E.C. Ltd. and their workmen, which was received by the Central Government on the 4-10-95.

[No. L-22012/364/94-IR(C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

(Camp : Nagpur)

PRESENT :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/23 OF 1994

Employers in relation to the management of Kurasia sub-area of S.E.C.L.

AND

Their workmen

REFERENCES :

For the management : Mr. Sadasivan Nair, Advocate.

For the workman : No appearance.

Dt. 14th September, 1995

AWARD

The Government of India, Ministry of Labour by its letter No. L-22012/364/94-IR(C.II), dated 24-2-1994 had referred to the following industrial dispute for adjudication.

"Whether the action of Dy. Chief Mining Engineer/Sub-Area Manager, Kurasia Colliery of S.E.C. Ltd., Chirmiri in stopping three annual increments for ever in respect of Shri Roshan Lal S/o Ramanandan, Haulage Khalasi of Sonawani Colliery is legal and justified? If not, to what relief the workman is entitled to?"

2. The Desk Officer sent the notices of reference to the concerned parties. The Secretary to the Tribunal had also issued notices to the concerned parties. The workman nor the Union filed the Statement of Claim in the present reference. But it appears that the management in their anxiety had chosen to file the Written Statement at Ex. A. It has to be said that now unless the person who files a Statement of Claim who had raised the Industrial Dispute there cannot be a stage of filing of Written Statement. Therefore, what remains is that there is no claim by the Union and the matter has to be decided exparte.

In the result I pass the following order.

ORDER

1. The action of the Dy. Chief Mining Engineer/Sub Area Manager, Kurasia Colliery of S.E.C. Ltd., Chirmiri, in stopping three annual increments for ever in respect of Shri Roshan Lal S/o Ramanandan, Haulage Khalasi of Sonawani Colliery is legal and justified.

No order as to costs

S B PANSE, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 1995

का.आ. 2860.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इश्यू सी एल के प्रबंधन के संबंध निरीक्षणों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई नं. 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-10-95 को प्राप्त हुआ था।

(सं. एल-22012/320/93-आई आर (सी-II))

राजा लाल, डेस्क अधिकारी

New Delhi, the 6th October, 1995

S.O. 2860.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Govt. hereby publishes the award of the Central Government Industrial Tribunal, Bombay No. 2, as shown in the Annexure in the industrial dispute between the employers in relation to the management of W.C. Ltd. and their workmen, which was received by the Central Government on the 4-10-95.

[No. L-22012/320/93-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

(Camp : Nagpur)

PRESENT :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/15 OF 1994

Employers in relation to the management of New Majri Colliery of W. C. L.

AND

Their Workmen

APPEARANCES :

For the management : B. N. Prasad, Advocate.

For the workmen : No appearance.

Dt. 14th September, 1995

AWARD

The Government of India, Ministry of Labour by its letter no. L-22012/320/93-IR(C.II), dated 4-2-94 had referred to the following industrial dispute for adjudication.

"Whether the action of the Sub-Area Manager, New Majri Colliery of W.C. Ltd., Opencast in terminating the service of Shri S. K. Maheboob s/o S. K. Mubarak, Ex. Operator, New Majri Colliery is justified? If not, to what relief the workman is entitled to?"

2. The Union filed the statement of Claim Ex.2. It is contended that the worker S. K. Maheboob was working in the Majri Colliery and was admitted before the Private Doctor. He did not join the duty on 1-12-91. He informed the management regarding the sickness and his inability to attend the office telegraphically. Later on the management directed him to get checked from Majri Colliery Hospital. It is averred that due to the confusion of mind and sickness, he continued to take the treatment from the Private Doctor. Ultimately, a chargesheet was issued and domestic enquiry was held against him. He pleaded he was not given opportunity to put his

case before the enquiry officer. It is averred he was not given a chance to defend his case. It is, therefore, the enquiry is against the principles of natural justice. He prayed for reinstatement with back wages and continuity in service.

3. The management resisted the claim by their Written Statement Ex. 4. It is averred that the domestic enquiry was as per the principles of natural justice. It is pleaded that the punishment awarded to the workman is as per the rules. It is submitted that the workman is not entitled to any benefit as claimed.

I have framed the issues at Ex. 9. The issues and my findings thereon are as follows:—

ISSUES

FINDINGS

- | | |
|--|--------------------------|
| 1. Whether it is proved that the domestic enquiry against workman was against the principles of natural justice. | No. |
| 2. Whether the action of the Sub-Area Manager, New Majri colliery of WCL, Opencast in terminating the services of Shri Maheboob S/o Mubarak, Ex. Operator is justified ? | The action is justified. |
| 3. If not, what relief the workman is entitled to ? | Does not survive. |

On 23-9-1994, the workman filed his affidavit at Ex. 7. Thereafter the matter was fixed for cross-examination of the witness on 13-9-1995. The worker-witness remained absent. The management representative was present. It is therefore, adjourned till today. Today also the workman did not turn up. Under the circumstances, there is no evidence on behalf of workman which he has to adduce. In the result, I record my findings on the issues as stated above, and pass the following order:

ORDER

1. The action of the Sub-Area Manager, New Majri Colliery of W.C. Ltd. opencast in terminating the service of Shri S. K. Mehboob S/o S. K. Mubarak, Ex-Operator, New Majri Colliery is justified.
2. No order as to costs.

S. B. PANSE, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 1995

का.प्र. 2861.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस ई सी एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निरूपित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंबई नं. 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-10-95 को प्राप्त हुआ था।

[सं. एल-22012/395/93-आई प्रार (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 6th October, 1995

S.O. 2861.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay No. 2 as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.E.C. Ltd. and their workmen, which was received by the Central Government on 4-10-95.

[No. L-22012/395/93-IR(C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

(Camp: Nagpur)

PRESENT:

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/29 of 1994

Employers in relation to the management of S.E.C.L.

AND

their Workmen.

APPEARANCES:

For the Management: Shri R. Mukhopadhyay, Legal Manager.

For the Workmen: No appearance.

Dated, 15th September, 1995

AWARD

The Government of India, Ministry of Labour vide its letter No. L-2201/395/93-IR(C-II), dated 21-3-94 had referred to the following industrial dispute for adjudication:

"Whether the action of the Superintendent of Mines, Kotma Colliery of Jamuna and Kotma Area of SECL in dismissing Shri Ramavtar, General Mazdoor, T. No. 678 from company services w.e.f. 20-1-90 is legal and justified? If not, to what relief the workman is entitled to?"

2. The Desk Officer had issued the notice of reference to the concerned parties. The Secretary of the Tribunal also issued notices to the concerned parties for filing their respective submissions. As the Union is from Nagpur side the matter was also fixed at Nagpur for their convenience but no Statement of Claim is filed by the Union, on behalf of the worker. It appears that they are no more interested in the present reference. It has to be disposed of ex-parte:

ORDER

The action of the Supdt. of Mines, Kotma Colliery of Jamuna and Kotma area of SECL in dismissing Shri Ramavtar, General Mazdoor, T. No. 678 from Company's services w.e.f. 20-1-1990 is legal and justified.

S. B. PANSE, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 1995

का.प्र. 2862.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डब्ल्यू सी. एल. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, बम्बई 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-10-95 को प्राप्त हुआ था।

[सं. एल-22012/130/93-आई प्रार (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 6th October, 1995

S.O. 2862.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay No. 2 as shown in the Annexure in the industrial dispute between the employers in relation to the management of W.C. Ltd. and their workmen, which was received by the Central Government on 4-10-95.

[No. L-22012/130/93-IR(C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, BOMBAY

(Camp : Nagpur)

PRESENT:

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/60 of 1993

Employers in relation to the management of Durgapur
Opencast Mine of W.C.L.

AND

Their workmen.

APPEARANCES:

For the Management : B. N. Prasad, Advocate.

For the Workmen : G. C. R. Sharma, Representative.

Dated, 13th September, 1995

AWARD

The Government of India, Ministry of Labour by its letter No. L-22012/30/93-IR(C-II), dated 12-7-93 had referred to the following industrial dispute for adjudication:

"Whether the action of Sub-Area Manager, Durgapur Opencast, W.C.L., Durgapur District Chandrapur in dismissing the services of Shri Ranbirsingh Nehal-singh, Operator, vide letter No. WCL/CHA/DOC/SA/SAM/PERS/6135 dated 24-9-91 is justified or not? If not, to what relief the workman is entitled for?"

2. The Union filed the Statement of Claim at Ex. 2. The management resisted the claim by their Written Statement at Ex. 4.

3. Today the matter was for production of documents and leading evidence. Instead of that, they filed a Memorandum of Settlement dated 25-4-1995 in form 'H', at Ex. 7. In view of the said settlement there is no need to dialect upon the Statement of Claim and the Written Statement.

4. As the parties have settled their dispute and filed a memorandum which is signed by the Secretary of the Union and the Personnel Manager of W.C. Ltd., I accept it to be correct. The Learned Advocate produced the same before me. In view of the same I pass the following order :

ORDER

The reference is disposed of in terms of Memorandum of Settlement.

The terms are as follows :

1. That Shri Ranvir Singh Nihal Singh will be re-employed as Operator Gr. 'C' in Chandrapur Area on the same basic pay which he was drawing on the date of his termination within one month of signing this settlement.
2. His further posting in any of the units of Chandrapur Area will be decided by CGM, Chandrapur Area.
3. He shall submit an undertaking that he will discharge his duties sincerely and maintain good performance and conduct and regular in his duties duly counter-signed by the Secy. of the Union (Shri G. V. R. Sharma).
4. That, in case of any adverse report about his conduct or performance during the period of one year of his joining after re-employment, his services will be liable for termination without assigning any reason therefor, notwithstanding the provisions of Standing Orders.
5. That, the period of idleness, that is from the date of his continuous unauthorised absence from duty till the date of his joining on being re-employed shall be treated as dies-non, on the principle of 'no

work no pay', and the workman is not entitled to any monetary benefit claims, etc. whatsoever. However, his past period of employment shall be considered for the limited purpose of gratuity only in future.

6. That, this settlement shall resolve the issue fully and finally and neither the union nor the workman will raise any dispute in this regard before the management, conciliation machinery or any Court of Law including Tribunal or at any forum at any time in future
7. That it is agreed that in case of any dispute in the matter of interpretation of the settlement, the matter shall be referred to GM(IR) whose decision interpretation shall be final and binding on the parties in all respects.
8. That, this settlement shall not be cited as a precedent for any matter, whatsoever, by the Union.
9. That the parties shall file a copy of this settlement before the CGIT No. 2, Bombay where the case is pending for adjudication and shall jointly verify the settlement before the Hon'ble Presiding Officer, CGIT No. 2, Bombay on its next date praying for giving a consent award.

S. B. PANSE, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 1995

नं.सं. 2863.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इल्फ सी. एल. के प्रबंधन के संबंध नियंत्रकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संबर्द्ध नं. 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-10-95 को प्राप्त हुआ था।

[सं. एल.-22012/197/94 आई आर. (सी-II);]

राजा लाल, डेस्क अधिकारी

New Delhi, the 6th October, 1995

S.O. 2863.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Bombay No. 2 as shown in the Annexure in the industrial dispute between the employers in relation to the management of W.C. Ltd. and their workmen, which was received by the Central Government on the 4-10-95.

[No. L-22012/197/94-IR(C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, BOMBAY

(Camp : Nagpur)

PRESENT:

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/43 of 1994

Employers in relation to the management of Chanda
Rayatwari Colliery of WCL.

AND

Their Workmen.

APPEARANCES:

For the Management : B. N. Prasad, Advocate.

For the Workmen : No appearance.

Dated, 15th September, 1995

AWARD

The Government of India, Ministry of Labour by its letter No. L-22012/197/94-IR(C-II), dated 6-9-94 had referred to the following industrial dispute for adjudication :

"Whether the action of the Suptd. of Mines/Manager, Chanda Rayatwari Colliery of WCL, Chandrapur vide letter No. WCL/CHA/SOM/CRC/PER/2556 dated 14-11-92 in dismissing Shri Umeshwami Laxman Tadurwar, Ex-Machinist is justified or not? If not, to what relief the workman is entitled to?"

2. The Desk Officer, had issued notice to the concerned parties. The Secretary of the Tribunal had also sent notices to the concerned parties. Mr. B. N. Prasad, Advocate appeared for the management. Nobody appeared on behalf of the Union. The Statement of Claim was not filed. It appears that they are not interested in the industrial dispute which was raised by them. It is to be disposed of ex-parte:

ORDER

1. The action of the Supdt. of Mines/Manager Chanda Rayatwari Colliery of WCL, Chandrapur vide letter No. WCL/CHA/SOM/CRC/PER/2556 dated 14th November, 1992 in dismissing Shri Umeshwami Laxman Tadurwar, Ex-Mechinist is justified?

2. No order as to costs.

S. B. PANSE, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 1995

का.आ. 2864.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार एन. सी. एल. के प्रबंधन के संबंध में निम्नलिखित आदेशों द्वारा उनके कर्मचारियों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपद को प्रकाशित करता है, जो केन्द्रीय सरकार को 4-10-95 को प्राप्त हुआ था।

[न. एल-22012/142/88 डी 4 (बी) आईआर (सी-11)]
राजा लाल, डेस्क अधिकारी

New Delhi, the 6th October, 1995

S.O. 2864.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of N. C. Ltd. and their workmen, which was received by the Central Government on the 4th October, 1995.

[No. L-22012/142/88-D.IV(B)/IR(C.II)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, DEOKI
PALACE ROAD, KANPUR

Industrial Dispute No. 155 of 1989

In the matter of dispute between:

Sri Mahesh Kumar Shukla,
S/o Sri Alp Narain Shukla,
R/o 90-A/12 C/1 Baghambari Gaddi,
Allahpur, Allahabad.

AND

The General Manager,
Kakri Project of M/s. Northern Coalfields Ltd.,
P.O. Bina Project,
District Mirzapur.

AWARD

1. Central Government, Ministry of Labour, vide its notification No. L-22012(142)/88-D. IV-B/IR(C-II) dated 21st

June, 1989 has referred the following dispute for adjudication to this Tribunal—

Whether the action of the General Manager Kakri Project of M/s. Northern Coalfields Ltd. P.O. Bina District Mirzapur in dismissing Sri Mahesh Kumar Shukla, Ex. Foreman from services w.e.f. 9th December, 1987, is justified? If not, to what relief the workman concerned is entitled?

2. It is common ground that the workman M. K. Shukla (hereinafter referred to as workman) was working as a Trainee Foreman with the employer M/s. Northern Coalfields Ltd. (hereinafter referred to as Employer) since 1982. During the course of his employment he was served with a charge-sheet on 23rd August, 1986, the copy of which is ext. W-10 on record. He was charged for the following misconduct—

You are hereby required to explain why disciplinary action even amounting to dismissal from the services of the Northern Coalfields Limited should not be taken against you under the provisions of Standing order applicable to you and by which you are governed on account of the following charges—

"That on 17th August, 1986 you duty was allotted in General Shift i.e. from 7.30 a.m. to 11.30 a.m. and 1.00 p.m. to 5.00 p.m. in the workshop section. It is reported that you left the place of duty without permission from the competent authority at about 10.00 a.m. on 17th August, 1986 i.e. during duty hours.

That on 17th August, 1986 three officers namely, S/Shri M. C. Karmakar, J. K. Samanta and V. K. Srivastava, were travelling in company Jeep No. CPW 302 from Bina Colony to Mugalsarai, when they were looted and assaulted at about 8 a.m. on Anpara Pipri Road near Makra village by a group of seven miscreants/dacoits. Sri Karmakar's brief case which contained the following company valuables alongwith the personal belongings was looted by the miscreants—

1. SBI Bank Draft No. OL AB/4 190085 for Rs. 50,000 (Rupees fifty thousand only).
2. SBI Bank Draft No. OL AB/4 190084 for Rs. 30,000 (Rupees Thirty thousand only).
3. SBI Bank Draft No. OL AB/4 190086 for Rs. 25,909.81 (Rupees Twenty Five Thousand Nine Hundred and Nine paise eighty one only).
4. SBI Travellers Cheque No. WL 473981 to 474000 & 473962 to 473980 for Rs. 39,000 (each of rupees 1000).
5. Cash Rs. 78085 (Rupees Seventy Eight Thousand Eighty Five only).

It has been reported that the police has recovered and seized the following valuables which are part of the looted property from your quarter—

1. Cash Rs. 2400.
2. Travellers cheque No. WL 473981 to 474000 i.e. 20 Nos. each of Rs. 1000 issued by Bina Branch.

3. The workman submitted his reply Ext. W-11 on 28th August, 1985. Lateron charge of another misconduct was served on the workman on 12th September, 1986 Ext. W-12 according to which he was required to explain as to why he remained absent for 10 days without leave. The workman again submitted his reply Ext. W-13. Lateron the employer appointed their Chief Personnel Manager Sri A. C. Srivastava on 14th October, 1986 as Enquiry Officer. During the course of inquiry, the employer examined M. C. Karmakar, J. K. Samanta and V. K. Srivastava, to bring home charges against the workman.

4. In defence workman examined himself as M. K. Shukla. There is nothing on record to show that he had filed any paper before the E.O. On the basis of these materials the enquiry officer gave his report on 11th October, 1987, holding

that both the charges as contained in Ext. W-10 were proved. No finding was recorded in respect of third additional charge. The employer on the basis of this report issued a show cause notice and ultimately passed order of dismissal on 7th/8th December, 1987.

5. Feeling aggrieved the workman raised the present industrial dispute. In his written statement, he has alleged that he has been falsely implicated because of the Trade Union activities. He has denied that he was absent from duty on 17th August, 1986. Instead he remained on duty from 7.30 a.m. to 11.00 a.m. and again from 1.00 p.m. to 5.00 p.m. With regard to the recovery of alleged looted property it was alleged that he came to know about the dacoity later on. When he came to know the details of dacoity he had questioned the wisdom of the employer in carrying valuables without proper security. Because of this the employer got annoyed. That is why they have falsely implicated. In the end the correctness and propriety of enquiry was also challenged. The workman has also challenged the quantum of punishment on the side of excessiveness.

6. On the other hand in their written statement, the employer has reiterated the accusation against the workman on all counts. It has been further alleged that the inquiry was held according to law.

7. On the basis of the above pleadings preliminary issue regarding domestic enquiry was framed. Both the parties had adduced evidence. Finding was recorded on 23rd February, 1993 holding that the charges No. 1 and 2 vitiated whereas charge no 3 was not proved at all. Thereafter on the request of management they were offered opportunity to prove the case on merits. As management failed to bring their witnesses they were debarred from giving evidence on 26th April, 1990. As the management failed to give evidence, the workman also did not adduce evidence. It is well settled law that evidence adduced before the enquiry officer is not to be considered in this tribunal for any purpose. Hence that evidence is also to be ignored. The net result is that finding of both the courts has to be recorded against the management and in favour of the concerned workman for want of proof.

8. Therefore, it is held that both the above mentioned charges are not proved.

9. As regards the relief it is true that in ordinary course reinstatement with back wages ought to have been granted. While dealing with the enquiry report this tribunal observed that the enquiry officer had erred in not dealing with the evidence of the management and instead finding fault with the evidence of the concerned workman finding was recorded against him. This was erroneous approach. This does not mean that the case of the management against the concerned workman of looting of cash and other articles were altogether false. I feel that it is a case in which the management can justifiably say that there has been loss of confidence. Hence taking this aspect of the case, I do not think that the concerned workman should be ordered to be reinstated or any back wages should be awarded to him. Instead in its lieu, he should be awarded lumpsum compensation the criteria for awarding compensation in such case has been laid down in the case of O. P. Bhandari versus Indian Tourism Development Corporation 1986 (53) FTR 752. It has been laid down in this case that in such a case the workman should be awarded 3.33 years of wages at the rate which he was drawing at the time of his dismissal.

10. I award accordingly.

11. Concerned workman shall also get Rs. 200 as costs of the case from the management.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 1995

कायदा 2865-1985-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वयेण में केन्द्रीय सरकार द्वारा जारी कायदा नं. 2865-1985 के संबंध में निम्नलिखित आदेश जारी किया गया है, कि

में अतिरिक्त औद्योगिक विवाद में केन्द्रीय सरकार द्वारा जारी अधिनियम, कायदा नं. 2865-1985 के अन्वयेण में केन्द्रीय सरकार को 0-10-95 को प्राप्त हुआ था।

[कायदा नं. 12012/19/88 जारी जारी जारी]

पी. जे. माइकल, डेस्क अधिकारी

New Delhi, the 10th October, 1995

S.O. 2865.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bareilly Corporation Bank and their workmen, which was received by the Central Government on the 6-10-95.

[No. L-12012/19/88-IRBI]

P. J. MICHAEL, Desk Officer

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT

PANDU NAGAR KANPUR

Industrial Dispute No. 178 of 1989

In the matter of dispute between :—

Sri Ajai Kumar Nigam
C/o Harmangal Prasad
36/1 Kailash Mandir Kanpur.

AND

Chairman,
Bareilly Corporation Bank
Gumti No. 5 Kanpur.

AWARD

1. Central Government, Ministry of Labour, vide its notification No. L-12012/19/88, D.L.B.I.R. Bank I dt. 24-7-89, has referred the following dispute for adjudication to this Tribunal—

Whether the action taken by the management of Bareilly Corporation Bank Ltd in terminating the services of Sri Ajai Kumar Nigam, Ex-Sub-Staff/Clerk w.e.f. 15-11-84 is justified? If not, to what relief the workman is entitled?

2. The case of the concerned workman Ajai Kumar Nigam is that he was appointed as clerk on 2-7-84 in Gumti No. 5 Branch of the opposite party Bareilly Corporation Bank. Since then he had worked continuously. On 15-11-84, his services were terminated. He has alleged that after termination of his services new hands like Vijai Shanker etc., were employed but the concerned workman was not given opportunity. Hence there

has been breach of section 25H of Industrial Disputes Act. As such the concerned workman is entitle for re-employment.

3. Opposite party bank have filed written statement in which they have denied these allegations.

4. The concerned workman was afforded repeated opportunity to adduce evidence to prove his case but he failed to do so, hence the management also did not adduce any evidence. As burden of prove of this case rests with the concerned workman and as he has failed to discharge it. I have no hesitation to answer the reference against the concerned workman and in the affirmative.

5. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer
Dt. 25-9-95.

नई दिल्ली, 10 अक्टूबर, 1995

का.प्र. 2866.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्दन रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-10-95 को प्राप्त हुआ था।

[संख्या एल-41012/34/88—आई आर बी आई
पी. जे. माईकल, डेस्क अधिकारी]

New Delhi, the 10th October, 1995

S.O. 2866.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of N. Rly. and their workmen, which was received by the Central Government on 6-10-95.

[No. L-41012/34/88-IRBI]

P. J. MICHAEL, Desk Officer

BEFORE SRI B. K. SRIVASTAVA PRESIDING
OFFICER CENTRAL GOVERNMENT INDUS-
TRIAL TRIBUNAL-CUM-LABOUR COURT
PANDU NAGAR DEOKI PALACE ROAD
KANPUR

Industrial Dispute No. 278 of 1989

In the matter of dispute between :—

Zonal Working President
Uttar Railway Karamchari Union
96/196 Roshan Bajaj Lane
Ganeshganj, Lucknow.

AND

Divisional Railway Manager
Uttar Railway Hazratganj
Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-41012/34/88-D-2(B) dated 2-11-89 has referred the following dispute for adjudication to this Tribunal—

Whether the Divisional Railway Manager, Northern Railway Lucknow was justified in not granting the promotion to Sri Jagannath as head Trollyman. If not to what relief the workmen were entitled to?

2. The concerned workman in his claim statement has alleged that he was appointed as Motor Trolly Man under Sr. D.S.T.E. Northern Rly Lucknow on 25-5-50. Later on he was not given his due place in the seniority list as Lukman and Vishwanath who were junior to him were promoted to the post of skilled grade of Rs. 260-400 in 1956. Actually according to next below rule the concerned workman too has entitled for skilled grade in the year 1956 which was wrongly denied to him. Similarly the concerned workman was entitled to be promoted as Trolly Man Grade II in 1977 but this right was not given to him as such on 1-1-84 he was entitled for highly skilled grade for which he had made this claim. From the above averment in the claim petition it will be obvious that the concerned workman has challenged the action of the opposite party in not giving him skilled grade in 1986 and trolly man grade in 1977. Had this promotion been made to him he would have become entitled for high skilled grade I on 1-1-84. In my opinion, the validity of the action of the opposite party railway in not giving him promotion in 1956 and 1977 cannot be question in the present proceedings as it is beyond the scope of reference. Apart from this if such stale claim is allowed to be scrutinised it will have unsettling effect in the running of administration. Apart from this the concerned workman has not given any explanation whatsoever as to show why he had not raised objection in 1956 and 1977, when he was not given due promotion. In its absence I think that the action of the management in promoting the concerned workman in skilled grade in 1983 is correct. When he got the grade which others had got in 1956 naturally he will not be entitled for head Trolly Man. The question of plea of next

below rule also does not apply in such a case as this plea applies to a case where all persons are placed in similar circumstances and the claimant is senior to others whom promotion benefit had been given.

3. In view of above discussion, my answer to reference is in the affirmative and against the workman. Consequently he is not entitled for any relief.

4. Reference is answered accordingly.

Sd/-

B. K. SRIVASTAVA, Presiding Officer

Let six copies of this award be sent to the Ministry of Labour Government of India, New Delhi, for its publication.

Dtd. 27-9-1995.

Sd/-

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 1995

का.आ. 2867--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अंतर्गण में, केन्द्रीय सरकार बरेली कारपोरेशन बैंक के प्रबंधन के संबंध में निधियों और उनके कर्मचारियों के बीच, अंतर्गण में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट प्रकाशित करती है, जो केन्द्रीय सरकार को 6-10-95 को प्राप्त हुआ था।

[संख्या एन-12012/23/88-आई आर बी आई]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 10th October, 1995

S.O. 2867.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bareilly Corporation Bank and their workmen, which was received by the Central Government on the 6-10-95.

[No. L-12012/23/88-I R B I]

P. J. MICHAEL, Desk Officer

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, PANDU NAGAR, DEOKI PALACE ROAD, KANPUR

Industrial Dispute No. 147 of 1989

In the matter of dispute

BETWEEN

Sri Sajjan Kumar
S/o Sri Dhukhi Ram Ambedkar,
C/o Sri B. N. Sekhari,
26/104, Birhana Road,
Kanpur.

AND

The Manager,
Bareilly Corporation Bank Ltd.,
Sarvodaya Nagar, Kanpur.
2482 GU/95--9.

AWARD

1. Central Government, Ministry of Labour, vide its Notification No. L-12012/23/88-D.I(B) dated 29-5-89, has referred the following dispute for adjudication to this Tribunal.

Whether dismissal from service of Sri Sajjan Kumar Ex-peon w.e.f. 11-8-85 by the management of Bareilly Corporation Bank Ltd., is justified? If not, to what relief the worker is entitled?

2. It appears that the concerned workman was appointed as a peon on 20-5-85 for a fixed term upto 10-8-85 when his services came to an end. It is alleged that at the time of termination junior persons were retained and further new hands were recruited but no opportunity was given to him. In this way there has been breach of section 25G and H of the I.D. Act.

3. Opposite party has denied these allegations.

4. Later on the case was fixed for evidence. Reportedly opportunity was given to the concerned workman to prove his case but he failed to do so. Hence the case of the concerned workman is not accepted for want of prove.

5. Accordingly the reference is answered in affirmative. Consequently workman is entitled to no relief.

B. K. SRIVASTAVA, Presiding Officer

Let six copies of this award be sent to the Government of India, Ministry of Labour, New Delhi, for its publication.

Sd/-

Dtd. 25-9-1995

(B. K. SRIVASTAVA)

नई दिल्ली, 10 अक्टूबर, 1995

का.आ. 2868--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अंतर्गण में, केन्द्रीय सरकार सेंट्रल रेलवे के प्रबंधन के संबंध में निधियों और उनके कर्मचारियों के बीच, अंतर्गण में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंबई नं-2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-10-95 को प्राप्त हुआ था।

[संख्या एन-41012/137/92-आई आर बी आई]
पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 10th October, 1995

S.O. 2868.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay No. 2 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of C.Rly. and their work-

men, which was received by the Central Government on the 6-10-1995.

[No. L-41012/137/92-1 RBI]

P. J. MICHAEL, Desk Officer

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2.

BOMBAY

PRESENT

SHRI S. B. PANSE

PRESIDING OFFICER

REFERENCE NO. CGIT-2/5 of 1994

EMPLOYERS IN RELATION TO THE MANA-
GEMENT OF CENTRAL RAILWAY,
BHUSAWAL

AND

THEIR WORKMEN

APPEARANCES :

For the management : Shri N. G. Chitnavis,
Advocate.

For the workman : Shri K.G. Dhamecha
(Santani) and Shri M.V. Santani Advoca-
tes.

BOMBAY, dated 20th September, 1995.

AWARD

The Government of India, Ministry of Labour by its letter No. L-41012/137/92-IR(DU), dated 21-1-1994 had referred to the industrial dispute for adjudication. It is in the following terms.

“Whether the action of the management of Central Railway, Bhusawal in orally terminating the services of Sh. Eknath Kisan Sonvane w.e.f. 26-12-1986 is proper legal and justified? If not, what relief the workman is entitled to?”.

2. Eknath Kisan Sonvane the worker pleaded that he was working as a Khalasi (M.R.C.L.) with the Management at Anjangaon. He had acquired temporary status and was also sent for medical examination. On 18-9-1986 his services were terminated orally without any show-cause notice and departmental enquiry. He was not given the retrenchment notice also.

3. The worker pleaded that so many juniors and similarly placed persons were kept in the services. After removal of the worker the railway appointed new persons in his place. He made several request to the authorities, he also issued a notice to the management but it was not replied. He sent

a notice on 22-10-1990. It is pleaded that the management filed the say before the Labour Commissioner and for the first time raised the plea of absconding from the service. It is submitted that the act of the management in terminating the services of the workman is illegal. It amounts to victimisation and in colourable exercise of Employer's right. It is prayed that the management may be directed to reinstate the worker with continuity of service and full back wages.

4. The railway resisted the claim by their written statement at Ex. 8. It is averred that the workman was engaged on daily rates of pay of Khalasi from 19-4-1980. Later on he was engaged on daily wages as a gangman on 19-12-1986 under PWI Anjangaon. It is denied that the workman acquired a temporary status. It is submitted that the workman remained absent in an unauthorised manner, after acquiring monthly status of MRCL Gangman from 26-12-1986. It is averred that as he remained absent the question of issuing him termination notice does not arise. It is denied that the proper procedure for removal of the workman was not followed.

5. The management denied that the worker made several efforts to get himself reinstated. It is averred that the worker never turned up to the office after 26-12-1986. It is pleaded that the worker had not attended the duties for last 9 years and now had claimed the reliefs. It is submitted that under such circumstances the reference deserves to be dismissed.

6. The issues that fall for my consideration and my findings thereon are as follows :—

ISSUES

FINDINGS

1. Whether the claim of the worker is belated? No

2. Whether the action of the management of Central Railway, Bhusawal in orally terminating the services of Sh. Eknath Kisan Sonvane w.e.f. 26-12-86 is proper, legal and justified?

Not legal &
justified

3. If not, what relief the workman is entitled to?

Reinstatement
in service with-
out backwages.

REASONS

7. The worker gave an application (Ex. 4) on August 16 1944 requesting the management to produce certain documents to show his attendance, his service record, leave register etc., but the management had not filed any say nor produced the documents.

8. Eknath Kisan Sonvane affirmed that he worked for more than 240 days and acquired a temporary status. He further affirmed that so many juniors and similarly placed persons are still in services with the railway. He affirmed that he requested for reinstatement to the management, but it was not considered. Therefore, he sent a notice on 29-10-1990. Admittedly, it was not replied. It is not in dispute that the worker was working as a Khalasi in the year 1981-82 and even again in the year 1986. There is no explanation on behalf of the management regarding the documents which were called for. The worker admits that he did not sign the Muster Roll, but has signed the register after receiving the wages. He affirmed that he did not stop going to the work, but he was directed by the Officer that he should not come to work. It is a common knowledge that when a person get a job even on temporary basis he would not remain absent suo moto. I, therefore, accept the version of the worker that he was asked not to come on work. It can be further seen that when the worker took the matter to the Conciliation Officer, the Conciliation Officer observed that the management remained absent. Their views could not be ascertained, the workman was agreeable for referring the matter to voluntarily arbitration to all the times. The management remained absent, therefore, he has to send a failure report, no doubt, before the Assistant Labour Commissioner the contention which was taken by the management was that the worker was absconded from duties on 26-12-1986. It can be further seen that before the Assistant Labour Commissioner when the worker raised dispute, he contended that he acquired a temporary status and was sent for medical examination. In a reply, which was filed by the management, this contention is not denied in clear terms, I therefore, find that the worker must have acquired a temporary status.

9. The worker in categorical terms admits that he is not keen to get the backwages, but wants the employment. It appears to me that as he is earning something after removal from services by the railway he is ready to forego the same.

10. The worker affirm that without any notice he was removed from the services and there was no departmental proceedings against him. It amount to retrenchment which is void. The plea which is taken by the management of abandonment of service by the worker itself is not supported by any evidence. It is not acceptable for the reasons given above.

11. The learned Advocate for the management tried to argue that the claim is stale and therefore, liable to the rejected. The worker is illiterate, from the record it appears that from December, 1986 he was not in service. On 29-10-1990 he addressed a notice (Ex. 7/1) to different authorities of the management, by the said notice. He requested for reinstatement. It is common knowledge that before issuing such notice the workers approached the management and make oral submissions. Here the worker had affirmed to that effect. There is no reason why this is not to be accepted. It can be further seen that this notice was not replied. Hence the worker raised the industrial dispute before the Labour Commissioner at Nagpur on 11-11-1991. The Labour Commissioner sent his failure report to the Ministry on 13th of October 1992. The Government took its own time and referred the dispute to this Tribunal on 21-1-1994. Looking to all these charges, I do not think that there is any slackness on the part of the worker to treat this reference as a stale one.

12. For the reasons stated above it is very clear that the action of the management in orally terminating the services of the worker are not justified.

As the worker has not claimed the relief of backwages he is not entitled to the same. I record my findings and the issues accordingly and pass the following order :—

ORDER

1. The action of the management of Central Railway, Bhusawal in orally terminating the services of Eknath Kisan Sonvane w.e.f. 26-12-1986 is not proper, legal and justified.
2. The management is directed to reinstate the worker as a gangman within one month from today.
3. The worker is not entitled to any monetary reliefs.
4. No order as to costs.

S. B. PANSE, Presiding Officer
20-9-1995.

नई दिल्ली, 10 अक्टूबर, 1995

का.आ. 2869-...औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में भारत कोकन कोल लि. की खोदाखद कोलियरी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अर्थात् में निम्नलिखित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण (मं. 1), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-10-95 को प्राप्त हुआ था।

[संख्या एल-20012/90/92-आई आर (कोल-I)]

बि. ज. मोहन, डैस्क अधिकारी

New Delhi, the 10th October, 1995

S.O. 2869.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Loyabad Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 9-10-95.

[No. L-20012/90/92-IR(Coal-I)]
BRAJ MOHAN, Desk Officer

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under sec. 10(1)(d) (2-A) of Industrial Disputes Act, 1947.

Reference No. 49 of 1992.

PARTIES :

Employers in relation to the management of Loyabad Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri P. K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers : Shri H. Nath, Advocate.

For the Workmen : Shri S. S. Bhattacharjee, Authorised Representative.

STATE : Bihar. INDUSTRY : Coal.

Dated, the 29th September, 1995

AWARD

By Order No. L-20012(90)/92-I.R. (Coal-1) dated 22-7-1992 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the demand of RCMS, Loyabad Colliery for regularisation of Sh. R. S. Vishkarma, Motor Mechanic as a foreman-incharge of motor vehicle department be implemented ? If yes what relief the workman is entitled to ?"

2. The dispute has been settled out of the Tribunal. A memorandum of settlement has been filed in this Tribunal. I have gone through the terms of settlement and I find those to be fair and reasonable. I allow the prayer and render an award in terms of the settlement. The memorandum of settlement shall form part of his award.

3. Let a copy of this award be sent to the Ministry as required under Sec. 15 of the Industrial Disputes Act, 1947.

P. K. SINHA, Presiding Officer.

Before

The Presiding Officer
Central Government Industrial Tribunal No. I,
Dhanbad

Ref. Case No. 49 of 1992

Employers in relation to the management of Loyabad colliery under Sijua Area of M/s. BCCL

AND

Their workmen.

The humble petition of compromise on behalf of the parties most respectfully shewth :—

(1) That the Central Government by a notification No. L-20012(90)/92 IR (Coal-1) dated 27-7-92 has referred the instant industrial dispute for an adjudication under Sec. 10 of the Industrial Disputes Act, 1947, to this Hon'ble Tribunal. The schedule of the reference is reproduced below :

"Whether the demand of RCMS, Loyabad colliery for regularisation of Sri R. S. Vishwakarma Motor Mechanic as a Foreman-in-charge of motor vehicle department be implemented ? If yes, what relief the workman is entitled to ?"

(2) That, the parties discussed the dispute outside the court and have settled the dispute on the following terms and condition.

Terms of settlement

- (a) That Sri R. S. Vishwakarma, Motor Mechanic who is in Cat. VI w.e.f. 18-9-85 shall be placed in T & S Gr. 'C' w.e.f. 21-11-91 notionally.
- (b) That his case for further promotion from T & S Gr. 'C' to Gr. 'B' will be considered alongwith others.
- (c) That Sri R. S. Vishwakarma is not entitled to be placed in excavation cadre, as no excavation machinery were available where he is working. As such he cannot be placed as Foreman Incharge on the purported ground of regularisation.
- (d) That it was also agreed that seven copies of this settlement will be filed before the Hon'ble Tribunal and the Hon'ble Tribunal may be requested to give an Award in terms of the settlement.

It is, therefore, prayed that your honour may graciously be pleaded to accept the settlement and pass on Award in terms of the settlement.

And for this act of kindness the parties shall ever pray.

Representing Union :

- (1) Sd.-(Illegible)
- (2) Sd.-(Illegible)
- (3) Sd.-(Illegible)

Representing Management :

- (1) Sd.-(Illegible)
- (2) Sd.-(Illegible)
- (3) Sd.-(Illegible)

Witnesses :

- (1) Sd.-(Illegible)
- (2) Sd.-(Illegible)

Advocate

Part of the Award
Sd.-(illegible)
Presiding Officer

Central Govt. Industrial Tribunal
-cum-Labour Court (No. 1), Dhanbad
नई दिल्ली, 10 अक्टूबर, 1995

का.प्र. 2870 -- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम ई सी एन. के प्रबंधन के संबंध निराकरण और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, जबलपुर के पंचम को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-95 को प्राप्त हुआ था।

[एन-22012/329/92-आईआर (सी-II)]
राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1995

S.O. 2870.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.E.C. Ltd. and their workmen, which was received by the Central Government on the 5-10-95.

[No. L-22012/329/92-IR(CII)]
RAJA LAL, Desk Officer

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,

JABALPUR (M.P.)

Case Ref. No. CGIT/LC(R)(36)/1993

BETWEEN

Shri B. N. Pradhan, represented through the
Secretary(C) S.K.M.S. (AITUC) T-11, 51
P.O. Manikpur Colliery, Korba, District
Bilaspur (M.P.)-495682.

AND

The General Manager, S.E.C.L. Manikpur Colliery,
P.O. Manikpur Colliery, District
Bilaspur (M.P.)-495682.

PRESIDED BY :

By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman.—Shri Dipesh Mishra.

For Management.—Shri R. Mukhyopadhyaya.

INDUSTRY : Coal Mine DISTRICT : Bilaspur
(M.P.)

AWARD

Dated, September 25, 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012/329/92-IR(C-II) dated 4-2-1993, for adjudication of the following industrial dispute :—

SCHEDULE

"Whether the action of the management of Manikpur Colliery of S.E.C.L., Bilaspur, is justified in not granting upgradation to Sri B. N. Pradhan, Operator-cum-Despatcher to next higher grade w.e.f. 1st July, 1989, on completion of 10 years in same grade/category? If not, to what relief the workman is entitled to?"

2. In spite of repeated notices to the workman to file the statement of claim, the workman has not filed the same. Management representative prayed that as the workman is not appearing and filing the statement of claim, no dispute award be passed. Since the workman is not interested in pursuing his case, no dispute award is passed. No order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer.

नई दिल्ली, 10 अक्टूबर, 1995

का.प्र. 2871 -- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम ई सी एन. के प्रबंधन के संबंध निराकरण और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, जबलपुर के पंचम को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-95 को प्राप्त हुआ था।

[एन-22012/242/91-आईआर (सी-II)]
राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1995

S.O. 2871.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.E.C. Ltd. and their workmen, which was received by the Central Government on the 5-10-95.

[No. L-22012/242/91-IR(C-II)]
RAJA LAL, Desk Officer.

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,

JABALPUR (M.P.)

Case Ref. No. CGIT/LC(R)(176)/1991

BETWEEN

Shri Gangaram Loader, represented through the
Secretary, National Colliery Workers
Federation, Post Kotma Colliery, District
Shahdol (M.P.).

AND

The Dy. General Manager, Kotma Sub Area,
Post Kotma Colliery, District Shahdol
(M.P.).

PRESIDED IN :

By Shri Arvind Kumar Awasthy.

APPEARANCES .

For Workman.—Shri Rohit Arya, Advocate.
For Management.—Shri Rajendra Menon, Advocate.

INDUSTRY : Coal Mines DISTRICT : Shahdol
(M.P.)

AWARD

Da'ted, September 26, 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-22012/242/91-IR(Coal-II) dated 7-10-1991, for adjudication of the following industrial dispute :—

THE SCHEDULE

“Whether the action of the management of Kotma Colliery of Jamuna & Kotma Area of SECL in dismissing from services of their workman Shri Gangaram Loader, T. No. 1323, Kotma Colliery is legal and justified? If not, to what relief the workman is entitled?”

2. Statement of claim and written statement was filed by the parties and after framing of issues the case was fixed for evidence. The workman remained absent. However, the management has filed the Settlement dated 11-5-1995. Following are the terms of Settlement :—

TERMS OF SETTLEMENT

1. That Shri Ganga Ram S/o. Sonsai shall be given fresh employment in his substantive post of P.R. Loader with initial basic pay.
2. That he will have no claim whatsoever for the idle period i.e. from the date of his termination to the date of his reinstatement and this period will be treated as No work No pay.
3. That his past service will be counted for the purpose of calculation of gratuity only.
4. That he will not reopen the case in future in any forum and this will be treated as full and final settlement.
5. That his reinstatement will be subject to his being found medically fit by the M.S.I.C, RHKC.
6. That he will withdraw the dispute/claim, pending at any Court of law unconditionally.

3. It appears that in view of the terms of Settlement dated 11-5-1995 the workman is not interested in pursuing the dispute. As such, no dispute award is passed. Parties to bear their own cos's.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 1995

का. आ. 2872:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उक्त्यु. सी. एल. के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर, के न्याय को प्रकटित करती है, जो केन्द्रीय सरकार को 5-10-95 को प्राप्त हुआ था।

[सं. एल-22012/170/90-आईआर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1995

S.O. 2872.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of W.C. Ltd. and their workman, which was received by the Central Government on the 5-10-1995.

[No. L-22012/170/90-IR (C-II)]

RAJA LAL, Desk Officer.

IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
JABALPUR (M.P.)

CASE REF. NO. CGIT/LC(R)(218)/1990

BETWEEN

Shri Mukhram Ramdhani, Quarter No. 83, R/o.
Walni Colliery, P.O. & Tah. Saoner, District Nagpur (M.S.).

AND

The Sub-Area Manager, Pipla Colliery of W.C.
L., P.O. Pipla, District Nagpur (M.S.).

PRESIDED IN :

By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman : A. S. Gaharwar, Advocate.

For Management : Shri G. S. Kapoor, Advocate.

INDUSTRY : Coal Mine DISTRICT : NAGPUR
(M. S.).

AWARD

Dated : September 14, 1995.

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-

22012(170)/90-IR(C. II), dated 14-11-1990, for adjudication of the following industrial dispute :—

SCHEDULE

“Whether the action of the management to dismiss Shri Mukhram Ramdhani, Ex-Looisman w.e.f. 14-3-1983 from service is legal and justified. If not, to what relief the workman concerned is entitled to ?”

2. Admitted facts of the case are that the workman was appointed as a Helper on 27-7-1972 and he was promoted to the post of Clipman w.e.f. 1-1-1979, that it is also admitted that the workman was charge-sheeted on the allegation that he has assaulted Shri Sashidhar Jha, Munshi in the Hind Shift on 26-8-1981 at about 11.45 p.m. while working in underground mines. It is further admitted that the police stated criminal case under Sec. 307 IPC against the workman and the workman was convicted by the Session Judge and he was acquitted by the High Court.

3. The case of the workman is that false case was engineered against him and the Enquiry Officer has not provided him the reasonable opportunity to defend the case. The workman has further alleged that the finding of the Enquiry Officer is against the evidence on record and the punishment awarded to him be set aside and he be reinstated with full back wages.

4. Management has alleged that the Hon'ble High Court has acquitted the workman on the ground that the trial court has not led sufficient evidence to prove the charge and benefit of doubt was given to the accused workman. The management has alleged that during the domestic enquiry charges were fully proved and the punishment is in accordance with the proved misconduct.

5. The workman has not appeared inspite of repeated notice. Workman has failed to show that the domestic enquiry against him was not fair. The management has alleged that the workman is not interested in pursuing the dispute and no dispute award be passed. No dispute award is hereby passed. No order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer.

नई दिल्ली, 10 अक्टूबर, 1995

का. ग्रा. 2873 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार एम ई सी एल. के प्रबन्धन के संवद्ध नियोक्तों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक आधिकरण, जबलपुर के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-95 को प्राप्त हुआ था

[सं० एल-22012/55/93--ग्राट ग्रा (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 10th October, 1995

S.O. 2873.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.E.C. Ltd., and their workmen, which was received by the Central Government on 5-10-1995.

[No. L-22012/55/93-IR(C.II)]

RAJA LAL, Desk Officer.

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,

JABALPUR (M. P.).

CASE REF. NO. CGIT/LC(R)(225)/1993.

BETWEEN

Shri Indrapal Singh, represented through the President, M. P. Koyla Shramik Sangh (CIU), P. O. Surakachhar Colliery, P. O. Banki Mongra, District Bilaspur (M.P.).

AND

The Sub-Area Manager, S.E.C.L. Balgi Project, P.O. Balgi Project, District Bilaspur (MP)

PRESIDED IN :

By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman : Shri Kameshwar Singh.

For Management : Shri R. Mukhyopadhyaya.

INDUSTRY : Coal Mine DISTRICT : Bilaspur (M. P.).

AWARD

Dated : September 25, 1995

This is a reference made by the Central Government, Ministry of Labour, vide is Notification No. 1 22012/55/93-IR(C-II), dated 21-10-1993, for adjudication of the following industrial dispute :—

SCHEDULE

“Whether the action of the management of SECL, Balgi Project, in denying promotion as Turner and giving Category IV wages to Shri Indrapal Singh is legal and justified ? If not, to what relief is the workman entitled to ?”

2. The workman examined himself and another witness. The case was fixed for evidence of the management on 22-8-1995. On 22-8-1995 management filed a settlement wherein it is stated that the dispute has been amicably resolved on the following terms :—

TERMS OF SETTLEMENT

It is agreed that Shri Indrapal Singh who was working as Turner Helper w.e.f. 1-5-1988 shall be deemed to be promoted as Turner in Cat. v. w.e.f. 16/20-7-1990 instead of Workshop Machinist in Cat. IV.

3. In view of the aforesaid settlement there remains no dispute for adjudication. As such no dispute award is hereby passed. No order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer.

नई दिल्ली, 10 अक्टूबर, 1995

का. आ. 2874—औद्योगिक विवाद प्रतिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत कोकिंग कोल लि. के प्रबन्धतांत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, धनवाद के पंचपट को प्रकाशित करनी है, जो केन्द्रीय सरकार को 5-10-95 को प्राप्त हुआ था।

[सं. एन—24012/50/86 डी 4 (बी) (कोल-1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 10th October, 1995

S.O. 2874.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of B.C.C. Ltd., and their workmen, which was received by the Central Government on 5-10-1995.

[No. L-24012/50/86-D.IV(B)] (Coal-1)]

BRAJ MOHAN, Desk Officer

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer.

In the matter of an Industrial dispute under
Section 10(1)(d) of the I. D. Act, 1947.
REFERENCE NO. 34 OF 1987

PARTIES :

Employers in relation to the management of
Bararee Colliery Bhowra Area No. XI,
M/s. Bharat Coking Coal Limited and
their workmen.

APPEARANCES :

On behalf of the workmen : Shri D. Mukherjee,
Secretary, Bihar Colliery Kamgar Union.

On behalf of the employers : Shri R. S. Murthy,
Advocate.

STATE : Bihar.

INDUSTRY : Coal

Dated, Dhanbad, the 29th September, 1995

AWARD

The Government of India Ministry of Labour in
exercise of the powers conferred on them under

Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(50)/86-D.IV(B), dated. the 31st December, 1986.

SCHEDULE

"Whether the demand of Bihar Colliery Kamgar Union for payment of Fixed Dearness Allowance and Special Dearness Allowance to the workmen at Annexure-A of Bararee Colliery since 1st April, 1984 is justified ? If not, to what relief the workmen are entitled ?"

1. Bhawan Din
2. Pitai
3. Ram Prasad
4. Gulsar
5. Manohar
6. Makunda
7. Gamala
8. Hardeo
9. Sagar
10. Asmulla
11. Rajbali
12. Jokhan
13. Panchilal
14. Jatta Sankar
15. Jan Mohamad
16. Ramlal
17. Md. Yasin
18. Magar Ram
19. Jagdish
20. Sukur
21. Buso
22. Qamaruddin
23. Budhu
24. Ram Prasad
25. Ram Paul
26. Siboo
27. Mathura Singh
28. Kapil Singh
29. Abdul
30. Naresh
31. Bahadur
32. Samsuddin
33. Ram Prasad
34. Nohar
35. Nuruvan
36. Sibal Singh
37. Nuruyan
38. Ramateli
39. Rahamtuli

40. Jumerati
41. Jamal
42. Hira
43. Jahoor
44. Baijoo
45. Chandeswar
46. Dulchi,

Mandal Upadhyaksh Uttar Railway Karamchari
Union 2 Navin Market Parade Kanpur.

AND

Divisional Railway Manager,
Uttar Railway,
Allahabad Mandal,
Allahabad.

AWARD

2. In this reference both the parties appeared before me and filed their respective W. S. documents etc. Thereafter the case proceeded along its course. Subsequently at the stage of oral evidence Shri D. Mukherjee representing the workmen submitted before me that his union/workmen are no longer interested to press their claim before this Tribunal and accordingly he prays for passing a "No dispute" Award in this reference. Shri R. S. Murthy, learned Advocate for the management has no objection to a "No dispute" Award is passed. In the circumstances, I have no alternative but to pass a "No dispute" Award in this reference.

D. K. NAYAK, Presiding Officer,
Central Govt. Industrial Tribunal,
(No. 2), Dhanbad.

नई दिल्ली, 10 अक्टूबर, 1995

का. आ. 2875:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नार्दन रेलवे के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-10-95 को प्राप्त हुआ था।

[संख्या एल० 41012/59/90-आई आर-बी आई]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 10th October, 1995

S.O. 2875.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, and their workmen, which was received by the Central Government on 6-10-95.

[No. L-41012/59/90-IRBI]

P. J. MICHAEL, Desk Officer

BEFORE SRI B. K. SRIVASTAVA PRESIDING
OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT PANDU NAGAR DEOKI PALACE
ROAD KANPUR

Industrial Dispute No. 19 of 1991

In the matter of dispute between—Dinanath
Tewari.

2483 GI/95—10.

1. Central Government, Ministry of Labour, vide its Notification No. L-41012/59/90-I.R. DU dated 13-3-91 has referred the following dispute for adjudication to this tribunal—

Whether the D.R.M. Northern Railways Allahabad is justified in terminating the services of Sri Balram w.e.f. 4-1-83 ? If not, what relief he is entitled to and from what date ?

2. The concerned workman in his claim statement has alleged that initially he was appointed as gangman in the northern railway and was posted at Phafund Railway Station under P.W.I. Thereafter from 14-10-80 he worked at Etawah under P.W.I. On 4-1-83 with the prior permission of P.W.I. Raj Narain he had gone to take medical memo. On that very day there was a collision between Tower Wagon and Rly. Engine. The aforesaid P.W.I. demanded that the concerned workman should own responsibility for this mishap. The concerned workman refused to oblige, hence his name was illegally struck off from the muster roll. As he had worked for more than 120 days continuously he has acquired temporary status. Accordingly his services could not be determined without complying provisions of 25F I.D. Act.

3. Railway have filed reply in which it has been denied that the concerned workman had worked from 1-8-75. In fact he started working from 14-10-80. He was taken in job at Etawah on furnishing of the undertaking that he had worked at Fafund. The same fact was found to be false. In any case at Etawah he had not worked for 240 days in a calendar year. Further from 14-10-80 to 14-11-83 he had worked intermittently for 226 days. In this way he had not acquired any status. Lastly it was alleged that the concerned workman himself stopped coming, hence it was not a case of termination or retrenchment.

4. The concerned workman has filed rejoinder in which the factual pleas raised in the written statement have been denied.

5. In support of his case, the concerned workman has given his evidence. Besides a number of documents were filed. 4-7-95 was fixed for evidence of railway but none turned up, hence the railway administration was debarred. Thereafter, arguments were heard on the next date. No application for recalling order dt. 4-7-95 was given. Instead arguments were heard from both sides and case was reserved for award.

6. First point which needs consideration is as to whether the concerned workman had worked at Phafund before 1980. In this regard there is uncontroverted evidence of Balram. Further there is copy of letter.

dt. 21-12-89 of P. S.I. N. Rly. Etawah in which it has been conceded before A.L.C. (C), that the concerned workman had produced casual labour card for having worked at Phaphund Railway station from 1-8-78. Thus from this admission coupled with unrebutted statement of concerned it is fully established that he had worked at Phaphund from 1-8-78.

7. It is admitted to both the parties that the concerned workman had worked at Estawah from 14-10-80. The obly objection of railway is that the concerned workman did not worked continuously. In this regard once again there is unrebutted statement of the concerned workman that he had worked continuously. The railway had not filed any papers like extract of mustor roll and payment register to show the number of working days. In the absence of this material, I have no hesitation in holding that the concerned workman had worked continuously from 14-10-80 at Etawah Railway Station as gangman under P.W.I. In this way he had clearly completed 120 days as such he had acquired temporary status.

8. It will be seen if the concerned workman himself had stayed away from the place of work or his name was struck off from the mustor roll. There is evidence of concerned workman Balram that he had not stayed away from duty. Instead on 5-1-83 he was informed that his name was struck off from the mustor roll. Railway have not adduced any evidence to show that the concerned workman had himself stopped coming to his job. In the absence of such evidence in rebuttal, I have no hesitation in accepting the evidence of concerned workman and holding that he did not stay away from the work instead his services were dispensed with.

9. There is no dispute that when a railway workman works for more than 120 days he acquires temporary status and his services cannot be terminated without giving retrenchment compensation. In view of this I hold that the retrenchment of the concerned workman is bad in law.

10. As regards relief, it is borne out from record that termination was made in 1983 whereas dispute was raised in 1989. As such there has been undue delay in making reference for which there is no satisfactory explanation. Hence, the concerned workman will not be entitled for any back wages till date of reference. He will be entitled for back wages from the date of reference upto the date of his reinstatement.

11 Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

Let six copies of this award be sent to the Government of India, Ministry of Labour, New Delhi, for its publication

Dtd. 27-9-1995.

Sd.|-

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 1995

का. आ. 2876:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-10-95 को प्राप्त हुआ था।

[संख्या एल-12012/128/92-आई आर बी आई]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 10th October, 1995

S.O. 2876.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 6-10-1995.

[No. L-12012/128/92-IR(B-I)]

P. J. MICHAEL, Desk Officer

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR (M.P.)

CASE REF. NO. CGIT/LC(R)(231)/1992

BETWEEN

Shri Chet Ram Chaudhary, Cashier-cum-Clerk, represented through the Secretary State Bank of India Staff Union (Bhopal Circle), 18 Idgah Hills, Durga Colony, Garha, Jabalpur (M.P.)-482001.

AND

The Regional Manager, Region-I, State Bank of India, Zonal Office, Civic Centre, Marhatal, Jabalpur (M.P.)-482001.

PRESIDED-IN :

By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman : Shri S. Paul, Advocate.

For Management : Shri R. Maindiratta, Advocate.

INDUSTRY : Banking

DISTRICT : Jabalpur (M. P.).

AWARD

Dated : September 26, 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No.

L-12012/128/92-IR (B-3), dated 30-11-1992, for adjudication of the following industrial dispute :—

SCHEDULE

“क्या भारतीय स्टेट बैंक जबलपुर (मं०प्र०) के प्रबंधकों द्वारा श्री चेत राम चौधरी कैशियर-कम-क्लर्क को रोकड़ अधिकारी के पद के स्थानापन्न भत्ते से वंचित कर उन्हें गढ़ा शाखा से राष्ट्रीय शाखा में स्टेशन बाई ई०ए० एम० ऑफिसर के पद पर स्थानान्तरण करने की कार्यवाही न्यायोचित है? यदि नहीं तो संबंधित कर्मकार किस अनुत्पाप का हकदार है?”

2. Statement of claim and the written statement of claim was filed by the parties and after framing issues the case was posted for evidence.

3. On 13-9-1995 parties appeared and the Union filed a letter dated 2-9-1995 of the workman to the effect that the workman has received the promotion as an Officer with effect from 1-8-1993 and that he is not interested in pursuing the dispute. Prayer of the parties is to pass a no dispute award. Consequently, no dispute award is passed. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 10 अक्टूबर, 1995

का. आ. 2877.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साऊथर्न रेलवे, के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोलम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-10-95 को प्राप्त हुआ था।

[संख्या एल-41012/50/93-आई आर बी आई]
पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 10th October, 1995

S.O. 2877.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Kollam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S. Rly. and their workmen, which was received by the Central Government on the 6-10-95.

[No. L-41012/50/93-IRBI]
P. J. MICHEAL, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL KOLLAM

(Dated, this the 31st day of August, 1995)

PRESNT :

SRI. C. N. SASIDHARAN

INDUSTRIAL TRIBUNAL IN INDUSTRIAL DISPUTE NO. 3/94 BETWEEN

The Divisional Railway Manager, Southern Railway, Thiruvananthapuram.

By Sri. A. Shanavaskhan, Advocate, Kollam

AND

Sri. T. Cherian, Ex-Guard, Railway Quarters No. 194/F, Southern Railway, Quilon—691001.

By Sri. T. C. Govindaswamy, Advocate, Kochi—11.

AWARD

This Industrial Dispute has been referred for adjudication by Government of India as per Order No. L-41012/50/93-IR(DU) dated 21-1-1994.

The issue for adjudication is the following :—

“Whether the action on the part of the Divisional Manager, Southern Railway, Trivandrum in terminating the services of Sri. T. Cherian by way of compulsory retirement as a Guard w.e.f. 1-9-1987 is legal and justified? If not, to what relief the workman is entitled to?”

II. Sri. T. Cherian was terminated from the service of Southern Railway accepting the findings rendered by an enquiry officer who conducted a domestic enquiry regarding certain charges raised against him. The management justifies their action while Sri. Cherian pleads innocence and claims reinstatement in service. According to him there was no proper domestic enquiry.

III. The question regarding the validity of the domestic enquiry was tried by this Tribunal as a preliminary issue and as per order dated 24-8-1995. I have held that the enquiry was properly conducted and the findings are correct. The rival contentions raised by the parties are stated in detail in that order which I shall extract below in full :—

ORDER

This reference concerns the termination of the service of Sri. T. Cherian by way of compulsory retirement as guard with effect from 1-9-1987.

2. The management, Southern Railway, before initiating disciplinary proceedings against the delinquent Sri. Cherian issued a charge memo levelling misconduct as below :

“While working L.E. No. WDM/18376 on 29/30-9-1986 refused to supervise shunting at KCVL after arriving there at 23.40 hrs. He also did not permit the driver to start the shunting immediately and refused to talk to the section controller on duty, when he was asked to do so. Because of his refusal to supervise shunting and not allowing the driver to start the work 40 minutes was lost. Sri. T. Cherian started checking

the formation from 2.05 hrs. on the plea that he received the vehicle guidance prepared by a class IV staff only at 2.05 hrs. As a result L.E. had to be sent to NCJ to avoid delay to 82 Exp. Sri. T. Cheriyan thus besides refusing to supervise shunting at KCVL did not prepare vehicle guidance himself and did not take initiative to start the train. He rather obstructed the Driver to start his work in time. Sri. T. Cheriyan is therefore charged with negligence of duty violating Rule 3.1(ii) and (iii) of Railway conduct Rules 1966."

3. The reply submitted by the workman to the charge memo was not found satisfactory and hence the management ordered domestic enquiry. Sri. C. Vikaraman Nair was the enquiry officer. The workman participated in the enquiry and the enquiry officer found the workman guilty of the charges. Accepting the findings of the enquiry the management inflicted the present punishment.

4. The workman has filed a detailed claim statement and the contentions are briefly as under : The workman was initially appointed as signaller by the general manager (personnel) on 29-12-1966 and was later promoted as guard. While working so on 29-9-1986 one light engine was sent to Kochuvelli Railway Station (KCVL) for marshalling the available wagons to form a train. The workman was sent as a passenger to work the goods train thus formed upto Trivandrum. KCVL was a station with a separate marshalling yard, separate set of shunting staff including a shunting jemadar to supervise shunting. A separate yard master was also there. The light engine arrived at 23.45 hours when it was taken to the yard. Then the workman found only a points man with no shunting jemadar to oversee the marshalling activity. The workman contacted station master (S.M.) over phone and a few minutes after SM sent a written message informing that the workman need not supervise shunting. The marshalling commenced at 23.55 hours which was over by 2 AM. The workman started checking the train formation once the vehicle guidance was handed over to him. At that the SM informed the workman and the driver that the light engine will have to be despatched back Trivandrum. It appears that the Sr. Divisional Operating Superintendent (Sr. DOS) Sri. Goswami had earlier issued some illegal instructions with regard to the shunting operation at KCVL. Sri. Goswami was very much prejudiced and biased. The workman was telephonically placed under suspension from the next day. He was served with a charge memo after 40 days including the list of documents, list of witness etc.,. The workman was permitted to peruse the list of documents and he submitted a list of witnesses. After three days an enquiry officer was appointed and he immediately fixed the date of enquiry. The workman objected and the enquiry officer was changed. The enquiry officer did not summon all the witnesses requested by the workman without sufficient reason. Even Sri.

Goswami was not summoned. The enquiry officer cross-examined the witnesses and also done re-examination. He acted as a prosecutor, leading and suggestive questions were also asked. The enquiry officer converted defence witnesses as the prosecution witnesses. The documents were not listed before introducing in the enquiry without opportunity of perusal. The enquiry was abruptly stopped. The workman was not given opportunity to submit defence statement. The enquiry officer was biased. The workman was not given opportunity to examine himself. He was compelled to give a defence statement. He was not served with the enquiry report before imposing the penalty. The appeal filed by him was rejected by a non speaking order. The order of compulsory retirement is not justified and he is entitled to be reinstated in service with all consequential benefits.

5. The management opposes the case of the workman. The contentions of management are briefly as under : The delinquent is not a workman as defined in the Industrial Disputes Act. He was an ex-employee. He was found guilty of serious misconduct and of obstructive nature of working. Therefore he was issued chargesheet by the Sr. DOS. In the enquiry ordered by the management another guard was nominated as defence helper. He along with the workman perused and taken extract of relevant documents. The request of the workman to change the enquiry officer was also allowed by the competent authority. The delinquent was afforded all reasonable opportunities to defend his case. The enquiry officer found the workman guilty of the charges and the disciplinary authority after thorough examination of the enquiry proceedings and report inflicted the punishment. KCVL is a road side station. Since the yard is away from station the ASM on duty cannot supervise shunting and excessive time is therefore taken. Hence Sr. DOS issued an order dated 25-8-1986 directing the guards to supervise shunting at KCVL and prepare vehicle guidance (VG) when train clerk (TNC) is not available. The workman refused to supervise shunting on 29/30-9-1986. S.R. 5. 14(i)(a) of the general Rules (1976) does not prohibit shunting by guards as contended by the workman. The order of Sr. DOS is to ensure quick marshalling and minimum detention of diesel power. All these could have been clarified by the delinquent but he never cared to talk to anybody which was proved by the enquiry. He also refused to come to the station from the yard. It was also proved that he did not prepare the VG and was taking rest in the station when the work was being done by Sri. A. Azeez, SCP. The control chart and statement of pointsman Sri Velu Kutty proved that the workman advised the driver not to start shunting and kept on delaying the whole process. The workman interpreted each and every rule according to his convenience. He was guilty of gross negligence of duty and if such negligence is viewed leniently can ruin the whole system. Since the charges were grave, the present punishment was inflicted. His appeal was duly considered by the appellate authority before rejecting the same. The workman was not appointed to the service by the general manager. He was working in grade Rs. 1200-20-40- and as per the deligation of powers under rules and sub rule (2) of rule 7 of

the rules and schedule II Sr. DOS is empowered 'to impose compulsory retirement'. He was initially appointed by the Divisional Personnel Officer and subsequently promoted as guard. According to the management the workman is not entitled to any relief.

6. The workman contend that there was no proper and valid enquiry. Hence that point was considered as preliminary issue. The management has not adduced any evidence. The workman examined himself as WW1. The enquiry proceedings, statement of witness and findings of the enquiry officer have been marked as Ext. W1-series.

7. According to the workman the domestic enquiry was conducted in violation of the principles of natural justice. The contention is that he was not given sufficient opportunity to defend his case. It is further contended that the request of the workman for summoning some witnesses including the Sr.DOS was rejected without sufficient reason. It is also contended that some documents were introduced without notice and some of his witnesses were converted into production witnesses. The enquiry officer has stated the reason for rejecting the request for summoning some witnesses. It is evident from the enquiry proceedings that the workman never raised any objection regarding the procedure adopted by the enquiry officer or the person who conducted the enquiry. His only objection was that the enquiry officer failed to summon Sr.DOS. The case of the workman is that Sr. DOS has issued illegal instructions contrary to rules for supervising shunting operation by guards at KCVL. The existence of an order by Sr. DOS is not in dispute. The authority of the Sr. DOS to issue such a direction cannot be questioned by the workman in the enquiry. Further if the Sr. DOS issued any orders or instructions contrary to the rules that can be established by referring the relevant rules and the presence of Sr. DOS in the enquiry is not at all required. So the rejection of the prayer for summoning Sr. DOS cannot be stated to have caused any prejudice to the workman.

8. All the witnesses in the enquiry were fully cross-examined by the delinquent without raising any objection. No doubt the enquiry officer has asked questions by way of cross-examination. There was no presenting officer for the management and the enquiry officer is not a legally trained person. Of course the procedure followed by the enquiry officer in eliciting the statement of witnesses was not fully correct. But it is to be remembered that he is not a legally trained person. Further it is not all established that by the procedure followed by the enquiry officer any prejudice has been caused to the workman. The workman or his representative never raised any objection or protest for the alleged conversion of defence witnesses into prosecution witnesses. It is also noticeable that the failure of the workman to supervise shunting and to take VG is not in very serious dispute. According to the workman he was not bound to do that works as per the rules. Therefore statement of witness has only that much evidentiary value. It is evident from the enquiry proceedings that the workman was given sufficient and reasonable opportunity to defend his

case. Four witnesses were examined on his side. The workman was supplied with the list of documents and witnesses of management along with the charge sheet and he has verified and taken extracts of the documents along with his defence representative. The request of the workman for defence representative was allowed. His request for changing the enquiry officer first appointed by the management was also allowed. After completion of the evidence of witnesses he had submitted that he was not examining himself as per the enquiry proceedings. Thereafter he had submitted defence statement also. Therefore the contention that the enquiry was conducted in violation of the principles of natural justice is devoid of merit. On the other hand it is clear that the enquiry was conducted fully in compliance with the principles of natural justice.

9. The next point of attack is that the enquiry officer was biased and he acted as prosecutor as well as judge. The workman as WW1 has deposed before this Tribunal that the enquiry officer has no personal enmity towards the workman and the workman never requested for examining himself. It is also stated that he never applied to re-open the enquiry and to examine him or any witness on his side. The allegation of bias is not at all proved. In this state of affairs this contention is also only to be rejected.

10. Now the question is whether the findings of the enquiry officer are perverse. The charges against the delinquent in brief are refusal to supervise shunting, did not permit driver to start shunting immediately, refusal to talk to section controller on duty when he was asked to do so, failure to check train formation and to prepare VG. There is no dispute that the delinquent did not supervise shunting as according to him the instruction issued by Sr. DOS is against the rules. It has come out in evidence in the enquiry that the workman failed to clarify and doubt with the concerned authority regarding shunting at KCVL. The existence of an order by Sr. DOS instructing guards to supervise shunting and to prepare VG at KCVL is not in dispute. But according to the workman as per S.R. 5.14(i)(a) guards are not supposed to supervise shunting at KCVL. The rule does not say that the guards cannot be asked to supervise shunting at a station where shunting officials are posted. He could have clarified the position particularly when he is aware of the order of Sr. DOS in this regard. He refused to do so which was proved from the evidence of section controller on duty on that day. It was proved in the enquiry that the workman did not permit the driver and pointsman to do shunting operation until getting an order exonerating him from supervising and shunting operation. It is also proved that he failed to contact control phone inspite of direction from the ASM to clarify the position. From the control chart and the evidence of the witness it was proved in the enquiry that 40 minutes were lost because of the failure of the workman to do shunting and failure to check the formation of the train. He also failed to prepare VG which is evident from the evidence of his own witness Sri Azeez. The action of the workman resulted cancellation of the train. Even the witness examined on the side of the workman has stated the mis-

conducts committed by the workman. The enquiry officer analysed the evidence in detail and come to the conclusion that the charges levelled against the workman stand proved. The findings of the enquiry officer are fully supported by legal evidence. It cannot be said that the findings are perverse as contended by the workman.

11. In view of the above discussion I hold that the enquiry is proper, valid and supported by legal evidence.

IV. The question now remaining for consideration is whether any interference is called for from this Tribunal in the punishment imposed by the management. The Crux of the charge levelled against the workman is that he refused to supervise shunting of the train did not permit driver to start shunting, refused to prepare VG and refused to talk to the special controller on duty when he was asked to do so. According to the management as a result of the action of the workman 40 minutes delay was caused in forming the train. According to the workman he had no training in supervising in shunting operation at KCVL and he being guard need not supervise in a station where there is shunting staff. Further only 15 minutes delay was caused which is evident from the power message received from the station master. It is not disputed also. From the facts involved in this case it is evident that the workman had no purposeful intention to delay the formation of the train. The management has no such case also. The workman was under the bonafide belief that he need not supervise shunting as he had no training at KCVL and also that he was the guard of the train. From the power message mentioned above also support the case stand of the workman. It is also noticeable that the workman was never charge-sheeted for any misconduct earlier and there was no occasion to take any disciplinary action against him. Further he had an unblemished service of more than 20 years under the management. The management could have imposed a lesser punishment commensurate with the gravity of the misconduct taking into account the above aspects. But the management resorted to extreme penalty which is unsustainable. Considering all the circumstances I am of opinion that the present punishment of termination of service is highly disproportionate and excessive and hence it is a fit case for interference from this Tribunal.

V. For the above view I seek support from the following decisions of the Supreme Court and Central Administrative Tribunal (C.A.T.), Ernakulam Bench. The apex court in *Union of India v. Giriraj Sharma* (AIR 1994 S.C. 215) held that the punishment of dismissal on the charge of overstaying leave period by employee subsequent to order of rejection of application for extension of leave is harsh and disproportionate and ordered reinstatement. In *Rama Kant Misra v. State of Uttar Pradesh* [1983 SCC (L&S) 26] the Supreme Court ruled that the punishment of dismissal for use of indiscreet, indecent or threatening language to superior by a workman only once in the course of long unblemished service is disproportionately excessive. The court further held that the punishment must be proportionate to the

misconduct. In *Bhagat Ram v. State of Himachal Pradesh* [1983 SCC (L&S) 342], the apex court held that dismissal on a trivial charge of negligence which resulted in no loss to the Department is disproportionate and excessive. The Court reiterated that punishment must be proportionate to the gravity of misconduct. In *Ved Prakash Gupta v. M/s. Delton Cable (P) Ltd.*, the Supreme Court has considered the dismissal of a workman on the charge of abusing a Co-worker in filthy language and held that extreme penalty of dismissal on a not-so-serious charge of misconduct was disproportionately excessive and ordered reinstatement with full back wages. C.A.T., Ernakulam Bench in O.A. No. 606/93 considered the case of removal from service of a Railway Station Master on the charge of refusal to attend to his normal duties after reporting sick before getting relief C.A.T. relying on the decision of apex court reported in AIR 1994 S.C. 215 (Supra) quashed the punishment holding that the punishment was disproportionate.

VI. As I have held above in the order the workman refused to clarify the existence of an order by Sr. DOS instructing guards to supervise shunting and to prepare VG at KCVL and he refused to contact the control phone in spite of direction to clarify the position. It is true that there was no purposeful intention to cause delay in the formation of the train. But in view of the finding of guilt regarding refusal to clarify the position and to contact the control phone and for causing delay in the formation of the train the workman cannot be let off without any punishment. The workman has been out of employment since 1987 and the mental agony suffered by him during this period cannot be ignored. In view of these aspects according to me it will be an adequate punishment to deprive the workman of the wages for 2 years and subject to that he should be directed to be reinstated in service with all other benefits.

IV. In the result, an award is passed holding that the termination of the service of Sri T. Cheriyan with effect from 1-9-1987 is illegal and he is directed to be reinstated in service with continuity of service, back wages and all other benefits but withholding full wages for a period of 2 years.

An award is passed accordingly.

C. N. SASIDHARAN, Industrial Tribunal

APPENDIX

Witness Examined on the side of the workman

WW1. Sri T. Cheriyan.

Documents marked on the side of the workman

Ev1. W1-series. Statement of witness, charge-sheet, suspension order enquiry proceedings and findings of the enquiry officer.

नई दिल्ली, 12 अक्टूबर, 1995

का. आ. 2878.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबंध विरोधकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण, हैदराबाद के पंचपट का प्रवर्णित करती है, जो केन्द्रीय सरकार को 11-10-95 को प्राप्त हुआ था।

[संख्या एन-12012/35/93-आई आर-वी. II]

वी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 12th October, 1995

S.O. 2878.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 11-10-95.

[No. L-12012/93-IR (B.II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri A. Hanumanthu, M.A., LL.B., Industrial Tribunal-I.

Dated : 14th day of July, 1995

INDUSTRIAL DISPUTE NO. 27 OF 1993

BETWEEN :

Sri N. Veeraiah, 12.10.587/25.

Medibavi Seethapalmandi,

Secunderabad. .. PETITIONER

AND

The Deputy General Manager, Z.O.

Pioneer House, Syndicate Bank,

6-3-653 Somajiguda, Hyderabad

... RESPONDENT

APPEARANCES :

Sri C. V. Suryanarayana, Advocate for the Petitioner.

M/s. K. Srinivasa Murthy, & G. Sudha, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-12012/35/93-IR (B-II), dated

30-7-1993 made this reference U/s 10(1)(d) of Industrial Disputes Act, 1948, for adjudication of the Industrial Dispute referred in the schedule which reads as follows :

"Whether the action of the management of Syndicate Bank, Hyderabad is justified in dismissing Sri N. Veeraiah, Ex-Employee w.e.f. 31-12-1991? If not, to what relief is he entitled to?"

This reference has been registered as Industrial Dispute No. 27 of 1993.

2. The Petitioner N. Veeraiah submitted his claim statement to the following effect. The petitioner was appointed as Clerk in the Respondent Bank in the year 1977. He was discharging his duties to the best of his abilities and to the satisfaction of the officials concerned. The Assistant General Manager (Vigilance) of the Respondent Bank by his letter dt. 12-6-1989 called upon the Petitioner to submit his explanation to the alleged misconduct i.e. to pay a sum of Rs. 1,700.00 in cash against the withdrawal slip No. 670692 drawn by Smt. Sashikala holder of S. B. Account No. 10919 for Rs. 700.00 and in the process pocketed the surplus amount of Rs. 1,000.00 and thus defrauded the Bank to an extent of Rs. 1,000.00 and in order to suppress that act he had altered the figures in the Manager's scroll and the Subday book and falsified the records of the bank. The Petitioner submitted his explanation to the said letter denying the allegations. However, without considering the explanation, the Respondent-Bank issued a charge sheet dt. 6-9-1989 asking the Petitioner to submit his explanation within 15 days. The charge sheet is very vague and is not supported by any documents. The documents referred in the charge sheet were not supplied to the petitioner for submitting the explanation. But the petitioner submitted the explanation denying all the charges and expressed innocent to the charges. The Respondent-Bank without applying his mind to the explanation submitted by the Petitioner mechanically and with predetermined decided to initiate departmental enquiry and by its letter dt. 15-11-1989 the Petitioner was informed that Enquiry Officer was appointed to enquire into the charges. The alleged incident is said to have been occurred on 2-6-1988 and the show cause notice was issued on 12-6-1989 and the charge sheet was issued on 6-9-1989 and thereafter the Enquiry Officer was appointed on 11-9-1989. The initiation of disciplinary enquiry against the Petitioner is not as per the provisions of the Bipartite Settlement. The enquiry conducted was against the principles of natural justice. The Management by its letter dt. 19-3-1990 named four witnesses to be examined on its side and 11 documents was sought to be marked in the enquiry. The Management did not examine the important witness Smt. Sashikala

account holder even though she was named as witness. The letter said to have been issued by the said account holder Smt. Sashikala was marked in the enquiry as Ex. M11 inspite of the objection raised for marking the same. None of the witnesses are examined to prove the said document. The Petitioner having no other alternative, participated in the enquiry. The Enquiry Officer submitted his report on 22-10-1991. The said report is perverse, illegal and is not based on appreciation of evidence and on assumption and presumptions. The Enquiry Officer found the Petitioner guilty of the charges levelled against him. The findings of the Enquiry Officer are totally wrong and perverse and not supported by any evidence. The withdrawal slip Ex. M4 had passed through four persons and therefore fixing the liability on the petitioner is incorrect. The Petitioner was not the receipt cashier on 14-10-1988 when the amount of Rs. 1,000.00 was deposited under Ex. M10 and it does not contain the signature of the depositor and the Petitioner having denied for depositing the said amount or confessing before the Manager. The oral evidence of M.W1 and M.W2 is contrary to each other and it is inconsistent. There is no acceptable evidence to prove that the Petitioner made the alteration in Ex. M4. M.W3 did not depose as to who has altered the scroll which was admittedly in his custody. M.W4 also stated to the same effect. M.W1 and M.W2 did not say about the falsification of records by the Petitioner. The Sub-day book and Manager's scroll were admittedly within the exclusive custody of the officer concerned. None of the witnesses examined deposed that the Petitioner had altered the books. The Disciplinary Authority basing on the enquiry report and without applying its mind, simply proposed the punishment of dismissal. The petitioner submitted his explanation to the said proposed punishment. The said explanation was not at all considered by the Disciplinary Authority and it has passed mechanically the order of dismissal from service without applying his mind. The petitioner preferred an appeal to the Appellate Authority on 13-2-1992. The Appellate Authority also without considering his explanation and oral submissions made on 27-3-1992, confirmed the order of dismissal. After receipt of the Appellate Authority order, the petitioner made representation to the Assistant Commissioner of Labour (Central) with a request to refer the dispute for adjudication. Thereafter the matter has been referred to this Tribunal. The Disciplinary Authority did not take into account the past conduct of the petitioner. The petitioner is aged 41 years and belongs to Scheduled Tribe. He has put in more than 15 years of service which is clean and spotless. In spite of his best efforts, he could not get employment either in the Public or Private Sector ever since from the date of his suspension. The petitioner is unemployed and he has large

family to maintain with no source of income. Hence it is prayed that this Tribunal may be pleased to set aside the order of dismissal dt. 31-12-1991 passed by the Disciplinary Authority and reinstate the petitioner with back wages and with continuity of service.

3. The Respondent-Management filed a counter to the following effect. It is true that the Petitioner was appointed as Clerk in the Respondent-Bank in 1977. But the allegation that he was discharging his duties to the best of his ability and to the satisfaction of the officials concerned is not correct. While the Petitioner was working as clerk, he had altered the figures for enhanced amount and withdrawn money and misappropriated. Thus the omission and commission were detected by the Bank on 4-10-1988 when the Bank was verifying its records. This case was referred to the Vigilance as per the procedure and the Vigilance authorities called upon the petitioner to explain before 12-6-1989. The petitioner denied the allegations. The authorities concerned looked into it and found that satisfactory explanation was not given by the Petitioner and it resulted in Disciplinary Authority initiating disciplinary action. The Petitioner being Award staff. According to the terms of Bipartite Settlement, he was issued charge sheet under 18.5J of Bipartite Settlement on 6-9-1989 calling upon the Petitioner to submit his explanation within 15 days. The allegation that the charge sheet as framed in not supported by documents is incorrect. It is the duty of the petitioner to seek for copies of the documents for inspection but no step was taken by the petitioner and he submitted the explanation denying the charges. As the Management was not satisfied with the explanation given by the Petitioner, it was left with no other alternative but to appoint Enquiry Officer to conduct the domestic enquiry against him. The Petitioner was defended in the domestic enquiry by a defence representative, i.e., the Assistant Manager, Abids Road Branch. The Enquiry proceedings indicate that full and fair opportunity was given to the Petitioner in the enquiry. On 17-12-1988 Smt. Sashikala a regular customer of the Bank and whose name is on Bank record, has written a letter and handed over the same to the Branch Manager and the same was marked in the enquiry. The Pass Book of Sashikala was also produced during the enquiry. The entire case was dealt on merits. The allegation that the Enquiry Officer conducted the proceedings against the principles of natural justice is not correct. The Petitioner himself was present personally during the enquiry in addition to that of his representative Koteswar Rao. While enquiry was going on, no objection was raised either by the Petitioner or his representative with regard to the procedure adopted by the Enquiry Officer. In the event of

the Hon'ble Tribunal comes of a conclusion that the enquiry was not conducted as per the principles of natural justice, the Respondent may be permitted to lead evidence before this Tribunal to prove the charges. A copy of the enquiry report was forwarded to the Petitioner. When the misconduct of the petitioner came to light, the petitioner admitted the same before the Manager and then paid the amount of Rs. 1,000.00 without signing on the credit slip and it has been done in pre-planned way. The allegation that the findings of the Enquiry Officer are perverse is incorrect. When Ex. M4 was in the custody of the Petitioner, he effected alteration. He also altered the records Sub-day Book and Scroll. The allegation that the Management conducted the enquiry in a biased manner with predetermined mind is not correct. After issuing the second show cause notice and after considering the explanation submitted by the Petitioner, he was given personal hearing and thereafter only the Disciplinary Authority passed the dismissal order. The Appellate Authority also, after considering the arguments submitted by the Petitioner, passed the orders on merits confirming the order of dismissal. The Respondent-Bank has lost confidence in the petitioner. The Bank is justified in dismissing the petitioner from service as the charge levelled against him has been proved. The Petitioner is not entitled for any relief in this reference.

4. At the time of enquiry, the learned counsel for the Petitioner raised a preliminary objection with regard to the validity of the domestic enquiry held in this case and he requested for deciding the validity of the domestic enquiry as a preliminary issue. The matter was heard with regard to the validity of the domestic enquiry. No oral evidence has been adduced on either side. No documents were marked on behalf of the Petitioner. But on behalf of the Respondent Exs. M1 to M39 were marked by consent. On a consideration of the said documents, this Tribunal held on 22-3-1995 that the domestic enquiry held in this case is proper and valid. The matter has come up once again for disposal on merits. On 4-7-1995 on behalf of the Respondent-Management Exs. M40 and 41 are marked by consent. The details of the documents Exs. M1 to M41 are appended to this Award.

5. The points that arise for consideration are :

- (1) Whether the action of the Respondent-Management is justified in dismissing the Petitioner N. Veeraiah w.e.f. 31-12-91?
- (2) To what relief the Petitioner N. Veeraiah is entitled to ?

6. POINT (1) :—The admitted facts, as revealed from the evidence on record, are as follows :—

The Petitioner N. Veeraiah was appointed as Clerk in the Respondent-Bank in the year 1977. In the year 1988 the petitioner was working as Cashier in Basheerbagh Branch of the Respondent-Bank. One Miss D. Seshikala working as Typist in A.P.I.D.C., Secunderabad, opened S. B. Account in Syndicate Bank, Basheerbagh on 3-6-1978 as seen from Ex. M7. Her S. B. Account No. is 10919. Ex. M3 is the Pass Book of the said Sashikala S. B. Account holder. On 4-10-1989 "discrepancy was noticed in respect of withdrawal slip for Rs. 700.00 dt. 2-6-1988 drawn on S. B. Account No. 10919 of Miss D. Sashikala. The case was referred to Vigilance and K. N. Prabhu working as Deputy Divisional Manager (Vigilance) was entrusted with investigation of the case. During the course of investigation, he examined Miss D. Sashikala the account holder No. 10919, D. Hari Babu, Assistant Manager Vaidevi, Scroll Writer and M. Krishnama Chary, Branch Manager. He also perused various records relating to the said transaction. Ex. M1 is the withdrawal slip bearing No. 670692 dt. 2-6-1988 in respect of S. B. Account No. 10919 signed by D. Sashikala. On 14-10-1988, as seen from Ex. M4 a sum of Rs. 1,000.00 was credited to the S. B. Account No. 10919 Ex. M10 is the scroll for 2-6-1988. The Petitioner was charged with gross misconduct of "doing acts prejudicial to the interest of the Bank" under Clause 19.5(j) of the Bipartite Settlement under charge sheet dated 6-9-1989 Ex. M12 alleging that while working as Cashier at Basheer Bagh Branch Hyderabad, altered/enhanced the withdrawal slip of Rs. 700.00 on 2-6-1988 originally drawn by a customer Sashikala holder of S. B. Account No. 10919 for Rs. 1,700.00 and in the process pocketed surplus amount of Rs. 1,000.00 and thus defrauded the Bank to that extent and in order to suppress his act and to tally the day book he altered/enhanced the relative figures in the Manager's scroll and in the sub day book by an amount of Rs. 1,000.00 and thus falsified the records of the Bank. The petitioner was called upon to submit his explanation to the said charges within 15 days from the date of receipt of the charge sheet. Under Ex. M14 the Petitioner while acknowledging the receipt of the charge sheet simply stated that he denies the charges levelled against him. Having not satisfied with the said explanation offered by the Petitioner, the Disciplinary Authority ordered a regular departmental enquiry against the Petitioner under Ex. M15 appointing one Sri Manoharan, Assistant Personnel Manager as Enquiry Officer. Subsequently on 10-9-1990 the Disciplinary Authority in supersession of the earlier order passed under Ex. M15 appointed one C. S. Rao, Assistant Personnel Manager as Enquiry Officer. The Disciplinary Authority under Ex. M16 authorised one R. N. Prusty, Assistant Personnel Manager to represent the Bank in the enquiry. The Petitioner also authorised K. Koteswar Rao to defend him in

the said enquiry. During the course of enquiry, the Management examined M.Ws. 1 to 4. As seen from Ex. M33, the Management examined K. N. Prabhu, Divisional Manager (Vigilance) as M.W1. He deposed with regard to the investigation he had done in to the reported temporary misappropriation amounting to Rs. 1,000.00 in the S. B. Account of D. Sashikala by the Petitioner. As seen from Ex. M35, the Management examined K. Krishnama Chary the then Branch Manager as M.W2 and Smt. Vaidevi, Scrol Writer. As seen from Ex. M37, the Management examined B. Hari Babu who worked as Assistant Manager in Basheer Bagh Branch during 1988. On behalf of the Petitioner M.Ws. 1 to 4 were cross-examined by his authorised representative Sri K. Koteswara Rao. The Petitioner did not chose to enter into witness box on his behalf, but he submitted a statement dt. 20-9-1991. The Enquiry Officer, on a consideration of oral and documentary evidence placed before him, submitted his report Ex. M39 holding that the charges levelled against the Disciplinary Authority, on a consideration of the Enquiry Officer's report submitted by the Enquiry Officer and other materials on record, came to the conclusion that the Petitioner is guilty of the charges levelled against him. He proposed the punishment of dismissal from the service of the Bank through his letter dt. 11-11-1991 and oral hearing was accorded to the Petitioner on 24-12-1991. The Petitioner appeared before the Disciplinary Authority on 24-11-1991 and submitted a letter with a request to take the same on record as his submission. After a careful consideration of all the material placed before him, the Disciplinary Authority by its order dt. 31-12-1994 imposed the punishment of dismissal from the service of the Bank with immediate effect on the petitioner Ex. M40 is the said order of dismissal dt. 31-12-1991. Aggrieved by that order, the petitioner preferred an appeal to the General Manager, Syndicate Bank. But the General Manager by his order dt. 22-4-1992 dismissed the said appeal of the petitioner and confirmed the punishment of dismissal of the service of the Bank with immediate effect awarded to the Petitioner herein. Thereafter the matter has come up to this Tribunal by way of reference.

7. As earlier stated the counsel for the Petitioner challenged the domestic enquiry held in this case and this Tribunal by its order dt. 22-3-1995 held that the domestic enquiry held in this case as valid. It is well settled that if a domestic enquiry is properly held and the employer imposed punishment on a delinquent employee, Industrial Tribunal dealing with the industrial disputes arising out of such punishment is not authorised to sit in appeal over the findings of the enquiry officer or to examine the propriety of the ultimate order of punishment passed by the employer. It is also well settled that if it appears to the Industrial Tribunal that the

ultimate order of punishment is so disproportionate or severe in relation to the misconduct proved and that it may lead to inference of victimisation, Industrial Tribunal would be justified in interfering with that order of punishment. In the case of victimisation of unfair labour practice, it is open to the Industrial Tribunal to go into the merits of the case and to investigate whether the order of punishment is justified. vide *M/s. Bharat Iron Works v. Bhagubhai Ballubhai Patel* [1976(I) S.C. Cases page 518]. In *Indian Iron and Steel Company v. Workmen* (AIR 1958 S.C. Page 130). Their Lordships of Supreme Court also observed that Industrial Tribunal will interfere (a) where there is want of good faith, (b) when there is victimisation or unfair labour practice, (c) when the Management has been guilty of the basic error or violation of principles of natural justice and (d) when on the material before the Court the finding is completely baseless or perverse. Under Section 11-A of the I.D. Act, even in a case the Tribunal affirmed the finding of misconduct recorded by the Management at the domestic enquiry, the Tribunal can interfere with the punishment awarded by the Management and alter the same. But in exercising the discretionary power conferred on the Tribunal under Section 11-A to interfere with the punishment, the discretion should not be exercised in an arbitrary manner but exercise in judicial and judicious manner before interfering with the punishment imposed by the Management. The Tribunal must take into consideration all the relevant facts and can interfere with the punishment imposed by the Management only when it comes to the conclusion that the punishment imposed is extremely harsh and unjust and only disproportionate to the misconduct proved. The altered punishment imposed by the Tribunal, however, should not amount to absolving the employee of the misconduct or make the punishment merely illusory and allow the employee to go scot free particularly when the charges are found to be grave in nature, vide *A.P. State Transport Corporation v. Additional Labour Court-cum-Industrial Tribunal* [1983(63) FJR page 230].

It is also well recognised principles of jurisprudence which permits penalty to be imposed for misconduct, that the penalty imposed shall be commensurate with the gravity of the charge. The Tribunal may award a lesser punishment if it is of opinion that the proved misconduct does not merit the punishment by way of discharge or dismissal. It is also well settled that leniency can only depend upon the nature of the misconduct alleged against the workman and not in question as to whether the workman is married or that he put in a particular length of service.

8. In the instant case, the alleged misconduct said to have been committed by the Petitioner is while he was working as Payment-Cashier at

Basheerbagh Branch, Hyderabad on 2-6-1988 altered/enhanced the withdrawal slip for Rs. 700.00 originally drawn by the customer Sashikala holder of S.B. Account No. 10919 to Rs. 1,700.00 and in the process pocketed the surplus amount of Rs. 1,000.00 and defrauded the Bank to that extent and also in order to suppress his act and to tally the Sub-day book, he altered/enhanced in the relative figures in Manager's scrol and in the sub-day book by an amount of Rs. 1,000.00 and thus falsified the records of the Bank. Thus he committed acts prejudicial to the interests of the Bank. There is ample evidence on record to prove the said misconduct on the part of the Petitioner. It is not disputed that Sashikala is the holder of S.B. Account No. 10919. Ex. M3 is the Pass-Book issued to the said account holder Sashikala. Ex. M1 is the withdrawal slip drawn by the account holder Sashikala in her name on 2-6-1988 for Rs. 700.00. Even to a naked eye it is clear that it has been altered to Rs. 1,700.00. The word "seven" has been altered to "seventeen" and in figures also number '1' has been added before the figure 700.00, making it to appear as if the said withdrawal slip was for Rs. 1,700.00. Ex. M6 is the letter dt. 7-12-1988 given by the said Sashikala to the investigating officer M.W1 to the effect that she had submitted the withdrawal slip for Rs. 700.00 only and that she has drawn only Rs. 700.00 under the said withdrawal slip. She further stated that she has not credited Rs. 1,000.00 to her account on 14-10-1988. The withdrawal slip Ex. M1 had passed through the hands of the passing officer (M.W4) and the scrol writer (M.W3) before the payment was made by the Petitioner. It is in the evidence of M.W4 that he passed only for Rs. 700.00 under Ex. M1. It is also in the evidence of M.W3 the scrol writer that the withdrawal slip Ex. M1 was passed only for Rs. 700.00 and she made an entry in the scrol for that amount. Further the ledger folio relating to account No. 10919 and the entries in the original Pass Book clearly establish that the withdrawal slip was passed only Rs. 700.00 and Sashikala had received only Rs. 700.00 under that withdrawal slip. Further the entry relating to the said payment for the date 2-6-1988 in the original Pass Book Ex. M3 also reveals that only a sum of Rs. 700.00 was withdrawn. Further M.W4 and M.W3 could not have passed the withdrawal slip for Rs. 1,700.00 as the amount that was standing to the credit of account holder was only Rs. 722.20 by that date. The said entry in the Pass Book Ex. M3 also falsifies the contention of the Petitioner that he paid Rs. 1,700.00 to Sashikala. He made the entry in the Pass Book for Rs. 700.00 only and not for Rs. 1,700.00 as claimed by him. As seen from Ex. M35 and M37, M.W3 and M.W4 have categorically stated on oath that the withdrawal slip Ex. M1 was only for Rs. 700.00 and that the alteration had been effected only at the time of payment. Further it is clear from the documents on record that the withdrawal

slip Ex. M1 was altered after it was passed by M.W3 and M.W4 and evidently at the hands of the payment cashier i.e. the Petitioner at the time of payment. This was also corroborated by M.W2 the then Manager, who had categorically stated, as seen from Ex. M35, that initially the Petitioner had denied having altered the entries in the withdrawal slip and other records but subsequently admitted before him that he committed the said irregularity and that the petitioner had pleaded before him for sympathy and explained his difficulties and reimbursed the amount. Thus M.W2 had categorically stated that the petitioner herein had confessed before him with regard to the misconduct committed by him. This evidence of M.W2 is un rebutted. The petitioner did not chose to enter into the witness box to deny this specific allegation made by M.W2. Further it is also in the evidence of M.Ws2, 3 and 4 that with a view to suppress his act of making alteration in the withdrawal slip, the petitioner also altered/enhanced the relative figures in the scrol as well as in the sub-day book by an amount of Rs. 1,000.00 and thus also falsified the records of the Bank.

11. The learned counsel for the Petitioner submits that the account holder Sashikala was not examined and that her letter Ex. M6 has been marked even though it was objected to at the time of enquiry. The non-examination of Sashikala the account holder is not fatal in the circumstances of this case. During the course of investigation the investigating officer M.W1 obtained the letter Ex. M6 from Sashikala. He also seized the original Pass Book Ex. M3. Even in the absence of oral testimony of the account holder Sashikala, the documents Exs. M1 and M3 speak for themselves. They are also corroborated by the entries in the scrol the sub-day book.

12. It is next contended by the learned counsel for the Petitioner that the withdrawal slip was passed through other persons and as such the liability of alteration cannot be fixed on the delinquent petitioner only. Admittedly M.W3 and M.W4 have passed the withdrawal slip for Rs. 700.00. The alteration in the withdrawal slip Ex. M1 does not contain the authentication by the drawer. If at all there had been alteration before it was passed by M.W3 and M.W4, definitely they would have objected for it and it would have been returned for authentication by the drawer. Further it is in the positive evidence of M.W3 and M.W4 that there was no alteration when they passed the withdrawal slip for Rs. 700.00. Entries were also made to that effect in the scrol and sub-day book. M.W3 and M.W4 have been subjected to cross examination and nothing has been elicited to discredit their testimony. Further the Petitioner also conveniently, while making payment under Ex. M1, failed to make mention of the denominations of the cash paid to the drawer on the reverse of Ex. M1.

13. The learned counsel for the Petitioner next contends that at the time of payment of Rs. 1,000.00 on 14-10-1988 the Petitioner was not the receipt cashier and that Ex. M4 does not contain the signature of the petitioner as depositor. But under the circumstances of this case no other person is interested in depositing that amount to the credit of S.B. Account No. 10919. The account holder Sashikala in her letter Ex. M6 has categorically stated that she did not deposit that amount on 14-10-1988 to the credit of her account. Further it is in the positive evidence of M.W2 the Manager that the Petitioner confessed his guilt before him and deposited that amount. As earlier stated, there is no reason to disbelieve the disinterested testimony of M.W2 on this aspect as it is not rebutted by the petitioner.

14. There is also no substance in the contention of the learned counsel for the Petitioner that the Disciplinary Authority has not applied his mind before imposing the punishment and that the past conduct of the Petitioner is not considered. As seen from the impugned order Ex. M40, the Disciplinary Authority had considered the entire evidence on record, both oral and documentary evidence, and also the gravity of the misconduct committed by the Petitioner and then imposed the punishment of dismissal from service. I am of the opinion that the Disciplinary Authority has rightly concurred with the findings of the Enquiry Officer and the punishment imposed on the Petitioner is also not disproportionate to the proved misconduct of the petitioner. The Supreme Court and our High Court have on more than one occasion, held that the cases of misconduct involving allegation of bribe, misappropriation of public funds, theft of public property etc. constitute a class by themselves and there is no room for leniency and compassion in such cases. The judiciary being a third organ of the State in our Constitutional set up, the Court cannot be a silent spectator or a mute corroborator for such acts of misconduct by public servants. The court cannot grant any indulgence to public servant who is found guilty of grave misconduct like cheating, fraud and misappropriation of public fund, theft of public property etc. The Petitioner herein had been working as Cashier in the Respondent-Bank and the allegations of misappropriation of public fund etc. have proved against him. Hence there is no room for compassion. If any compassion is shown in such matters it would be gravely detrimental to the public interest. The public will lose confidence in the Banking system. On a careful consideration of the evidence on record and the proved misconduct on the part of the Petitioner, I am of the opinion that the punishment of dismissal from service awarded to the Petitioner is not disproportionate to the gravity of the acts of misconduct committed by him. I am also of the firm

opinion that there is also no reason to hold that the findings of the enquiry officer are perverse and the punishment imposed on the petitioner is due to unfair labour practice or victimisation.

15. In the light of my above discussion, I hold on Point 1 that the action of the Respondent-Management is justified in dismissing the Petitioner N. Veeriah w.e.f. 31-12-1991. The point is thus decided in favour of the Respondent and against the petitioner.

16. Point 2 :—This point relates to the relief to be granted to the Petitioner herein. In view of my finding on Point 1 that the action of the Management is justified in dismissing the Petitioner w.e.f. 31-12-1991, the Petitioner is not entitled for any relief in this reference.

17. In the result, an Award is passed stating that the action of the Respondent-Management of Syndicate Bank, Hyderabad is justified in dismissing the workman N. Veeriah with effect from 31-12-1991 and that he is not entitled for any relief. The reference is thus answered. The parties are directed to bear their costs.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 14th day of July, 1995.

A. HANUMANTHU, Industrial Tribunal-I Appendix of Evidence

Witnesses Examined for the Petitioner- Workman :	Witnesses Examined for Respondent- Management :
NIL	NIL

Documents marked for the Petitioner-Workman

NIL

Documents marked for the Petitioner-Workman
Management

- Ex. M1/2-6-88 Withdrawal slip for Rs. 700.00 and altered to Rs. 1700.00.
- Ex. M2/2-6-88 Sheet from Banks' record.
- Ex. M3/2-6-88 Pass Book of Miss Shasikala.
- Ex. M4/14-10-88 Deposit form for Rs.1000.00.
- Ex. M5/14-0-88 Sheet form bank's record.
- Ex. M6/7-12-88 Letter from Sashikala.
- Ex. M7/7-12-88 Particulars of Sashikala.
- Ex. M8/6-12-88 Letter from Asstt. Manager.
- Ex. M9/10-3-89 Letter from H. R. Vaidevi, Special Asstt.
- Ex. M10/10-3-89 Sheets from Bank's record.

Ex. M11/17-6-89 Letter addressed to N. Veeriaha.

Ex. M12/6-9-89 Charge sheet.

Ex. M13/27-9-89 Reminder Letter.

Ex. M14/16-10-89 Letter denying the charges.

Ex. M15/15-11-89 Letter addressed to Veeriaha.

Ex. M16/ Memorandum giving the authorisation.

Ex. M17/5-1-90 Showing enquiry date.

Ex. M18/5-3-90 Letter from N. Veeraiah.

Ex. M19/5-2-90 Letter showing enquiry date.

Ex. M20/26-3-90 Letter showing enquiry date.

Ex. M21/23-4-90 Letter showing enquiry date.

Ex. M22/19-6-90 Letter showing enquiry date.

Ex. M23/21-6-90 Letter asking for postponement of enquiry.

Ex. M24/22-6-90 Letter showing enquiry date.

Ex. M25/10-9-90 Letter to Sri Veeraiah.

Ex. M26/15-11-90 Asking for postponement of enquiry.

Ex. M27/9-11-90 Letter showing enquiry date.

Ex. M28/14-2-91 Letter showing enquiry date.

Ex. M29/18-2-91 Letter for postponement of enquiry.

Ex. M30/18-2-91 Letter showing enquiry date.

Ex. M31/19-3-91 Letter from N. Veeriaha.

Ex. M32/19-3-91 Documents showing number of witnesses and documents.

Ex. M33/19-3-91 Enquiry proceedings.

Ex. M34/12-8-91 Letter showing enquiry date.

Ex. M35/23-8-91 Enquiry proceedings.

Ex. M36/28-8-91 Letter showing enquiry date.

Ex. M37/20-9-91 Continuation of enquiry proceedings.

Ex. M38/20-9-91 Letter from Asstt. Manager.

Ex. M39/22-10-91 Findings of the Enquiry Officer.

Ex. M40/31-12-91 Dismissal Order.

Ex. M41/22-4-92 Order of the appellate authority on the dismissal order.

नई दिल्ली, 12 अक्टूबर, 1995

का. अ. 2879 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय संस्कार युनियन बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-10-95 को प्राप्त हुआ था।

[संख्या एन-12012/446/86 अ. 2 (ए)/-आई. आर. ओ. -II]

बी. के. शर्मा, डस्क अधिकारी

New Delhi, the 12th October, 1995

S.O. 2879.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workmen, which was received by the Central Government on 11-10-95.

[No. L-12012/446/86-D.II(A)|IR(B.II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I
AT HYDERABAD

PRESENT :

Sri A. Hanumanthu, M.A., LL.B., Industrial Tribunal-I.

Dated : 24th day of July, 1995

Industrial Dispute No. 27 of 1987

BETWEEN :

The Workmen of Union Bank of India,

Hyderabad.

... PETITIONER

AND

The Management of Union Bank of India, Hyderabad.

... RESPONDENT

APPEARANCES :

Sri P. Damodar Reddy, Advocate for the Petitioner.

None for the Respondent.

AWARD

This is a reference made by the Government of India, Ministry of Labour, by its Order No. L-12012(446)/86-D.II/A/D.IV(B), dt. 16-6-1987 for adjudication of the industrial dispute under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947 (hereinafter called the Act) annexed in its schedule which reads as follows :—

“Whether the action of the Management of Union Bank of India, Hyderabad is justified in dismissing Sri D. Shankar, Peon-cum-Hamal, Union Bank of India, Nizamabad Branch from services w.e.f. 19-3-1985? If not, to what relief the workman concerned is entitled? ”

This reference has been registered as Industrial Dispute No. 27 of 1987 on the file of this Tribunal.

2. On behalf of the Petitioner a claim statement has been filed to the following effect. The Petitioner D. Shankar was appointed as Peon-cum-Hamal in the Union Bank of India, Nizamabad Branch on 4-9-1981. The Petitioner was charge sheeted by the Regional Manager as Disciplinary Authority Superintendent Department of Personnel, I. R. Section Control Office, Union of Bank of India, Bombay appointed Sri I. D. Benjamin, Personnel Officer, Zonal Office, SE-II, Union Bank of India, Bangalore as Disciplinary authority requesting him to conduct the enquiry against the Petitioner and to impose the punishment. After enquiry, the Enquiry Officer passed the order of dismissal against the Petitioner. The disciplinary proceedings held against the petitioner are not valid and they are not conducted in accordance with Para 19 of the Bipartite Settlement. The appointment of I.D. Benjamin as Disciplinary Authority and also as the Enquiry Officer and to take action is opposed to paragraph 19 of the Bipartite Settlement. The three charges levelled against the petitioner are not charges which can be levelled against the employee who is only a Hamali of the Bank. The Enquiry Officer ought not to have relied upon the alleged confessional letter dt. 14-3-1984 given by the petitioner to the Branch Manager and that the said letter was disputed as having obtained under coercion and the same has been brought to the notice of the Branch Manager by his subsequent letter dt. 27-3-1984. The charges levelled against the petitioner are not proved. It is further pleaded that the bank having given report to the Police is not entitled to conduct domestic enquiry without pursuing the criminal case.

3. The Management filed a counter statement to the following effect. The enquiry has been conducted in the strict accordance with the provisions of the Bipartite Settlement 1966 and that it is perfectly open to the Bank to appoint Sri. I.D. Benjamin as the Disciplinary Authority-cum-Enquiry Officer by reason of Circular No. 23091 dt. 28-5-1991 which has been issued in accordance with Para 19 of the Bipartite Settlement. Both the Regional Manager as well as I.D. Benjamin are competent to act as Disciplinary Authority in pursuance of the said Circular. The Petitioner confessed his guilt before the Bank Manager and that the enquiry is conducted in accordance with the rules. The Police have not completed the investigation nor laid any charge for prosecuting the petitioner and hence it is open to the Bank to conduct enquiry by way of disciplinary proceedings. It is left to the Bank to prosecute a delinquent employee or to take departmental action against him. The contention that the domestic enquiry is not valid by reason of the Management for giving report to the Police is not tenable. There is abundant material to prove gross misconduct on the charge sheeted employee. During the enquiry as the charges levelled against the petitioner are proved. The Disciplinary Authority imposed the punishment of dismissal from service. Aggrieved by the said order, the petitioner preferred an appeal and the same was rejected by the Appellate Authority on 3-7-1985. The petitioner is not entitled for any relief under this reference.

4. After his dismissal from service the Petitioner raised industrial dispute and the Government of India, by its Order dt. 16-6-1987 made this reference for disposal.

5. During the course of enquiry before this Tribunal, Memo dt. 15-11-1987 was filed on behalf of the Petitioner to decide the validity of the domestic enquiry held in this case as a preliminary issue. Hence this Tribunal took up for consideration the question whether the domestic enquiry is vitiated or not. No oral evidence was adduced on either side. The documents Ex. M1 to M11 were marked by consent. On considering the said documents on record, this Tribunal passed the order dt. 16-6-1988 deciding the preliminary issue that the domestic enquiry held in this case is vitiated. This Tribunal also passed an Award on the same day i.e. 16-6-1988 directing the Management to conduct de novo enquiry against the petitioner and to treat the period between 9-3-1985 to the date of Award as period of suspension of the petitioner, and further directed the Management to pass fresh orders in accordance with para 19 of the Bipartite Settlement and terminated the present reference. Questioning the said preliminary order and award the Management filed W.P. No. 1674/88 and W.P. No. 16912/88. Aggrieved by the directions in the

Award where by this Tribunal ordered denovo enquiry and directed the management to treat the period from 19-3-85 to the date of award as period of suspension and ultimately pass the final orders according to law in denovo enquiry the petitioner filed W.P. No. 5567/90 on the file of the Hon'ble High Court of Andhra Pradesh. The Hon'ble High Court Andhra Pradesh by its common order in all the three writ petitions dt. 21-4-1992 allowed all the three writ petitions and the preliminary order that the domestic enquiry is vitiated and the Award passed by this Tribunal on 16-6-1988 have been set aside and the matter has been remitted back to this Tribunal to decide the dispute referred to it on merits in accordance with law. Hence the matter has come up once again for disposal before this Tribunal.

6. After remand, the reference I.D. No. 27 of 1987 has been restored to file by this Tribunal on 18-10-1994. Notices were issued to both the parties and they were served. The records were received by this Tribunal on 29-4-1995 from the Hon'ble High Court. The representative of the Respondent-Management was present on 5-6-1995. Advocate Sri P. Damodar Reddy filed vakalat for the petitioner on 24-6-1995. On 3-7-95 when the matter was taken up the learned counsel for the Petitioner submitted that the petitioner has no evidence. The Respondent and its counsel called absent and there was no representation. The counsel for the petitioner has been heard on merits. Subsequently also there was no representation on behalf of the Respondent-Management. Hence the matter is being disposed of on a consideration of the documents Ext. M1 to M11 marked earlier and the arguments of the learned counsel for the petitioner. The details of the documents Exs. M1 to M11 are appended to this Award.

7. The points that arise for consideration are as follows :

(1) Whether the action of the Respondent-Management of Union Bank of India is justified in dismissing the Petitioner D. Shanker, Peon-cum-Hamal from service w.e.f. 19-3-85?

(2) To what relief the petitioner is entitled ?

8. POINT (1) :—As seen from the records, the admitted facts are as follows :—The workman D. Shanker was employed as Peon-cum-Hamal in the Union Bank of India, Nizamabad Branch on 4-9-1981 and ever since he was working as such. On 14-3-84 one Sri Fateh Mohammad holding Saving Bank Account No. 1766 in the Union Bank of India, Nizamabad Branch complained that the entries in S. B. Alc Pass Book showed withdrawal of Rs. 5,000.00 and that he did not withdraw the same from his account and that he did not deposit Rs. 4,000.00 to his account once again. On the

basis of the said complaint, the Branch Manager, Union Bank of India, Nizamabad made preliminary investigation with all the Officers and Staff and during the course of preliminary investigation, the Petitioner D. Shankar voluntarily stated on 14-3-1984 that he had withdrawn an amount to a tune of Rs. 5,000.00 from the Saving Bank Account of the complainant Fateh Mohammad and that he had signed on the withdrawal and the amount was taken by him. The petitioner also signed in the said statement on 15-3-1984. The petitioner herein made good the loss of Rs. 5,000.00 by putting it to the credit of the S.B. Alc No. 1766 of the complainant. On a report by the Branch Manager, Nizamabad, against the petitioner, the Regional Manager, Union Bank of India, Hyderabad issued a charge sheet on 26-3-1984 to the Petitioner alleging that he had fraudulently withdrawn the amount to a tune of Rs. 5,000.00 on various dates as shown from the charge sheet, from S.B. Account No. 1766 and the petitioner was called upon to submit his explanation to the same within 7 days. Under the same proceedings, the workman was also kept under suspension pending enquiry into the charges levelled against him. Ex. M1 is the said charge sheet dt. 26-3-1984 issued to the Petitioner workman. Under this charge sheet the gross misconduct alleged against the petitioner is (1) criminal branch of trust, (2) fraud and forgery (3) doing acts prejudicial to the interest of the Bank. The petitioner did not offer any explanation to the allegations in the charge sheet. In spite of the same, a regular enquiry was ordered into the charges levelled against the petitioner. The Superintendent, Department of Personnel and Industrial Relations, Union Bank of India, Central Office, Bombay by virtue of the powers conferred on him as the Disciplinary Authority in terms of Staff Circular No. 2309 dt. 28-5-1981 issued by the Managing Director, Union Bank of India, Bombay by his proceedings dt. 29-6-1984 designated one Sri I. D. Benjamin Personnel Officer, Zonal Officer, Union Bank of India, Bangalore to inquire into the charges. Sri I. D. Benjamin was also designated as Disciplinary Authority and he was authorised to take disciplinary action against the petitioner herein and impose punishment if the charges are proved. In the said order Sri S. N. Naidu was also appointed as the Management representative before the Enquiry Officer. The Petitioner was represented by one Sri M. Srinivasa Charyulu. Ex. M2 is the order dt. 29-6-1984 appointing Sri I. D. Benjamin as the Enquiry Officer. Ex. M3 is the enquiry proceedings of Sri I.D. Benjamin as Enquiry Officer. Ex. M4 is the finding of the Enquiry Officer. During the course of enquiry, the Branch Manager was examined as M.W1 on 15-2-1985 and documents filed by the Branch Manager were marked as exhibits on the same date. The petitioner was also

examined and he pleaded guilty of all the charges framed against him before the Enquiry Officer. The letter dated 14-3-1984 given by the petitioner confessing his guilt was also filed and marked as exhibit before the Enquiry Officer. On a consideration of the oral and documentary evidence places before him, the Enquiry Officer Sri J. D. Benjamin held that the Petitioner had committed the misconduct alleged against him. The learned Enquiry Officer found the petitioner guilty of all the charges levelled against him i.e. criminal breach of trust, fraud and forgery and doing acts prejudicial to the interest of the Bank. The Enquiry Officer issue a show cause notice proposing the punishment of dismissal from service of the petitioner. Ex. M5 is the said show cause notice. The petitioner was given a personal hearing on 14-3-1985 at 2.00 P.M. at the Regional Office, Hyderabad. Ex. M6 is the proceedings of the Enquiry Officer regarding the personal hearing given to the petitioner and his representative on 14-3-1985. Thereafter on 19-3-1985 Disciplinary Authority imposed the punishment of dismissal from service on the petitioner. Ex. M7 is the said order imposing the punishment on the petitioner. Aggrieved by that order, the petitioner preferred an appeal to the Appellate Authority. Ex. M8 is the copy of the appeal dated 20-5-1985. Ex. M9 is the registered letter dated 18-6-1985 issued to the Petitioner informing him that he can make his representation on 1-7-1985 before the Appellate Authority. Ex. M10 is the minutes of the perposal hearing granted by the Appellate Authority to the Petitioner on 1-7-1985. Ex. 11 is the order dated 3-7-1985 of the Appellate Authority dismissing the appeal of the petitioner and confirming the order of the disciplinary authority.

9. As earlier stated, this tribunal by its Order dated 16-6-1988 held that the domestic enquiry held in this case is vitiated. But the said order has been set aside by the Hon'ble High Court of Andhra Pradesh by a common order in W.P. No. 16754/88, 16912/88 and 1567/90 holding that the domestic enquiry held in this case is valid. It is well settled that when once the domestic enquiry is held valid or the petitioner has not challenged the validity of the domestic enquiry, the jurisdiction of this Tribunal is limited and normally it cannot interfere with the finding of the Enquiry Officer in the domestic enquiry. It is also well settled that Industrial Tribunal can interfere with the finding of the Enquiry Officer only when the finding is not based on legal evidence as much as no reasonable person could have arrived at on the basis of material before it i.e. in other words when the finding is treated as perverse. Their Lordship of the Supreme Court while considering the effect of introduction of Section 11-A of the I.D. Act have observed in workmen of M/s. Pistone Tyre & Rubber Co. Pvt. Ltd. V. the management and

others (AIR 1973 S.C. page (1227) in Para 32 observed thus:—

“We will first consider cases where an employer has held a proper and valid domestic enquiry before passing the order of punishment. Previously the Tribunal had no power to interfere with its finding of misconduct recorded in the domestic enquiry unless one or other infirmities pointed out by this Court in *Indian Iron & Steel Co. Ltd.*, 1958 SCR 667—AIR 1958 SC 130 existed. The conduct of disciplinary proceeding and the punishment to be imposed were all considered to be a managerial function which the Tribunal had no power to interfere unless the finding was perverse or the punishment was so harsh as to lead to an inference of victimisation or unfair labour practice. This position in our view, has now been changed by Section 11-A. The words ‘in the course of the adjudication proceeding, the Tribunal is satisfied that the order of discharge or dismissal was not justified’ clearly indicate that the Tribunal is now clothed with the power to reappraise the evidence in the domestic enquiry and satisfy itself whether the said evidence relied on by an employer established the misconduct alleged against a workman. What was originally a plausible conclusion that could be drawn by an employer from the evidence has now given place to a satisfaction being arrived at by the Tribunal that the finding of misconduct is correct. The limitations imposed on the powers of the Tribunal by the decision in *Indian Iron & Steel Co. Ltd.* 1958 SCR 667 AIR 1958 SC 130 case can no longer be invoked by an employer. The Tribunal is now at liberty to consider not only whether the finding of misconduct recorded by an employer is correct but also to differ from the said finding if a proper case is made out. What was once largely in the realm of the satisfaction of the employer, has ceased to be so, and now it is the satisfaction of the Tribunal that finally decides the matter.”

The observations of their Lordships of Supreme Court in *M/s. Bharat Iron Works V. Bhagubhai Ballabhai Patel* (1976(I) S.C. page 518) are also relevant in this context. Their Lordships of the Supreme Court observed thus:—

“There is a two-fold approach to the problem and if lost sight of it may result in some confusion. Firstly, in a case where there no defect in procedure in the course of domestic enquiry the charges of misconduct against an employee, the

is no defect in procedure in the course of a domestic enquiry into the charges Tribunal can interfere with an order of dismissal on one or other of the following conditions :—

- (1) If there is no legal evidence at all recorded in the domestic enquiry against the concerned employee with reference to the charge or if no reasonable person can arrive at a conclusion of guilt on the charge deputed against the employee on the evidence recorded against him in the domestic enquiry. This is what is known as a perverse finding.
- (2) Even if there is legal evidence in the domestic enquiry but there is no prima facie case of guilt made out against the person charged for the offence even on the basis that the evidence so recorded is reliable. Such a case may overlap to some extent with the second part of the condition No. 1 above. A prima facie case is not, as in a criminal case, proved to the hilt.

It must be made clear in following the above principles one or the above, as may be applicable in a particular case, the Tribunal does not sit as a Court of appeal, weighing or reappreciating the evidence for itself but only examines the finding of the enquiry officer on the evidence in the domestic enquiry as it is in order to find out either whether there is a prima facie case or if the findings are perverse.

Secondly, in the same case i.e. where there is no failure of the principles of natural justice in the course of domestic enquiry, if the Tribunal finds that dismissal of an employee is by way of victimisation of unfair labour practice, it will then have complete jurisdiction to interfere with the order of dismissal passed in the domestic enquiry. In that event the fact that there is no violation of the principles of natural justice in the course of the domestic enquiry will absolutely lose its importance or efficiency."

Thus it is well settled that if it appears to the Industrial Tribunal that the ultimate order of punishment is so disproportionate, severe in relation to the misconduct proven, and that it may lead to inference of victimisation, the Industrial Tribunal would be justified in interfering with that order of punishment. In case of victimisation or unfair labour practice, it is open to the Industrial Tribunal to go into the merits of the case and to investigate whether the order of punishment is justified. The Industrial Tribunal would be justified in characterising the findings recorded in the domestic enquiry as perverse only if it is shown

that such a finding is not supported by any evidence or is entirely opposed to the whole body of evidence produced before him. While in exercising the discretionary power conferred on the Tribunal by Section 11-A of the Act to interfere with the punishment, the discretion should not be exercised in an arbitrary manner but it should be exercised in judicial and judicious manner. Before interfering with the punishment imposed by the Management, the Tribunal must take into consideration all the relevant facts and can interfere with the punishment imposed by the management only when it comes to the conclusion that the punishment imposed is extremely harsh and unjust and wholly disproportionate to the misconduct proved. The altered punishment imposed by the Tribunal however, should not amount to absolving the employee of the misconduct or make the punishment merely illusory and allow the employee to go scot free, particularly when the charges are found to be grave in nature. Vide Andhra Pradesh State Road Transport Corporation v. Additional Labour Court cum Industrial Tribunal (1983—63 PJR, page 230) It is also well recognised principle of jurisprudence which permits penalty to be imposed for misconduct that the penalty must be commensurate with the gravity of the charge. the Tribunal may award lesser punishment if it is found that the proved misconduct does not merit punishment by way of discharge or dismissal. It is also well settled that leniency can only depend upon the nature of misconduct alleged against the workman and not on the question as to whether the workman is married or that he has put in particular length of service.

10. In the instant case, the proved misconduct on the part of the Petitioner is that he committed criminal breach of trust, fraud and forgery and also committed acts prejudicial to the interest of the Bank wherein he worked. The petitioner had withdrawn amount to a tune of Rs. 5,000.00 from the Saving Bank Account of a customer of the Bank by forging the withdrawal form and misappropriation the amount. As seen from the enquiry proceedings Ex. M3, there is clear admission made by the Petitioner before the Enquiry Officer at the time of enquiry. As seen from the enquiry proceedings dt. 15-2-1985 (Ex. M3) the Enquiry Officer questioned the petitioner and recorded the answers given by him. It reads as follows:

Enquiry Officer to charge sheeted employee.—
Have you received charge sheet No. RO/PER/MP/1953/84 dt. 26-3-84?

Mr. D. Shankar (C.S.E.) to Enquiry Officer.—Yes, I have received.

Enquiry Officer to charge sheeted employee.—
Have you gone through the charge sheet RP/PER/MP/1953/84 dt. 26-3-1984 and understood the same?

C.S.E. to E.O.—Yes, I have gone through and understood the same.

Enquiry Officer to charge sheeted employee.—Do you plead guilty to the charges levelled against you in the above referred charge sheet?

C.S.E. to E.O.—Yes, I plead guilty to all the charges levelled against me.

Enquiry Officer to charge sheeted employee.—Do you wish to say anything further in the matter if so please tell?

C.S.E. to E.O.—My Defence Representative may be permitted to say on behalf of me.

Enquiry Officer.—Permitted.

Defence Representative to Enquiry Officer.—Mr. D. Shankar in his letter dt. 14th March, 1984 addressed to the Branch Manager, of our Nizamabad Branch has given a confession that the above charges alleged against him were committed. But he has also submitted another letter dt. 27th March 1984 addressed to the Asst. General Manager, Bangalore that he had given the letter dt. 14th March under coercion. He now submits to the Enquiry Officer, that he was misguided and hence the letter dt. 27th March 1984 addressed to the Asst. General Manager, Bangalore remains withdrawn. I may be permitted to submit that the employee has done the above acts under the influence of some outside elements. As there is no any complaint on record from the customer and also as the Bank has not been put to any loss or loss of reputation the employee's acts may kindly be condoned and he may be given a chance to continue in the service to prove his bonafides to the best satisfaction of his superiors.

Enquiry Officer to Charge sheeted employee.—Do you wish to say anything other than above?

Charge sheeted employee to Enquiry officer.—As I stated earlier I admit all the charges levelled against me and I regret very much for the same, how I plead that I may be pardoned for my mistakes and give a chance to continue the services of the Bank and also I assure you I will not do such mistakes in future. Taking to my above submission I once again request you to be lenient in the matter. Further I am married and having kids of five years and two years age

and being the lone bread winner to support the family I may kindly be allowed to submit to you that I may be given a chance to serve the Branch.

In spite of the said admission of guilt by the Petitioner, the Enquiry Officer examined the Branch Manager P. L. Venkateswar Rao as MW1 and he deposed that the Petitioner D. Shankar confessed before him with regard to the withdrawal of Rs. 5,000.00 on four occasions from the saving account of Sri Fateh Mohammed S.B. A.C No. 1766 and that the petitioner also addressed a letter dt. 14-3-1984 confessing his commission of the offence by him and made good of the withdrawal. Neither the petitioner nor his representative cross examination MW1 on this aspect. The said proceedings of the Enquiry Officer have been signed by the Petitioner and his representative. Thus the petitioner voluntarily admitted his misconduct before the Enquiry Officer. Besides he said admission of guilt, there is also the evidence of the Branch Manager that the Petitioner had confessed before him that he committed the misconduct. Further the Petitioner also gave the letter dt. 14-3-1984 admitting his misconduct. The learned counsel for the Petitioner submits that on 27-3-1984 the Petitioner addressed another letter to the Assistant General Manager, Bangalore that he had given the letter dt. 14-3-84 under coercion and that he had withdrawn the contents in that letter dt. 14-3-1984 and therefore the earlier letter cannot be relied upon. But as seen from the statement of the defence representative before the Enquiry Officer quoted earlier, he has stated that the petitioner being misguided gave the second letter dt. 27-3-1984 and that letter remained withdrawn and that the petitioner had done the above act at the influence of outside elements. Further the delinquent petitioner did not choose to enter into the witness box and saw that his earlier letter dt. 14-3-1984 was given by him under coercion or undue influence. On the other hand, as earlier stated, he has categorically admitted his guilty before the Enquiry Officer and also made confession before the Branch Manager MW1. There cannot be better evidence than the confession and admission of the delinquent to prove the alleged misconduct. There is no reason to hold that the admission made by the Petitioner before the Enquiry Officer is due to any coercion or undue influence. Hence I have no hesitation to hold that the said admission is voluntary and it can be accepted. The Enquiry Officer had rightly accepted the said admission of guilt by the petitioner and rightly held that the charges levelled against the petitioner as proved.

11 A perusal of the findings recorded by the Enquiry Officer reveals that the conclusions drawn by the Enquiry Officer are perfectly cor-

rect. There is nothing on record to show that the said findings of the Enquiry Officer are mala-fide or perverse.

12. The learned counsel for the Petitioner submits that the punishment of dismissal from service imposed on the petitioner is disproportionate to the gravity of the misconduct proved against the petitioner. Admittedly, the petitioner is working in the Banking service and he has misappropriated the sum of Rs. 5,000.00 by withdrawing from the S. B. Account of customer of the bank. The Supreme Court our High Court have on more than one occasion held that the cases of misconduct involving allegations of bribe, misappropriation of public fund, theft of public property etc. constitute a class by themselves and there is no room for leniency or compassion in such like cases. Being an organ of the State in our Constitutional set up the Court cannot be a silent spectator or mute corroborator in such acts of misconduct by public servant. The Court cannot grant any indulgence to a public servant who is found guilty of grave misconduct like cheating and fraud and misappropriation of public fund theft of public property etc. The employee of a Bank holds a post of public trust and therefore if an allegation of theft, misappropriation, fraud is proved against the employee of a Bank, there is no room for compassion. If any compassion is shown in such matters it would be gravely detrimental to the public interest. In the instant case, the petitioner has acted not only against the interest of the Bank but also against the public trust continuing such an employee in the service of the Bank is definitely detrimental to the interest of the institution. Hence in my considered opinion, the punishment of dismissal from service imposed on the petitioner is not at all disproportionate to the proved misconduct of the petitioner, and the petitioner does not deserve any leniency in imposing the punishment. Therefore, I do not find any reason to alter the punishment imposed on the petitioner by the Disciplinary Authority. Further the punishment imposed does not amount to victimisation or unfair labour practice.

13. In the light of my above discussion I hold on Point (1) that the action of the Management of Union Bank of India is justified in dismissing the petitioner D. Shankar from service w.e.f. 19-3-1985. The point is thus decided in favour of the Respondent-Management and against the Petitioner.

14. Point (2).—This point (2) relates to the relief to be granted to the Petitioner-workman. In view of my finding on Point (1), that the dismissal of the Petitioner is justified, the petitioner is not entitled for any relief under this reference.

15. In the result, Award is passed stating that the action of the Management of Union Bank of India, Hyderabad is justified in dismissing Sri D. Shankar, Peon-cum-Hamal of Union Bank of India, Nizamabad Branch from service w.e.f. 19-3-1985 and that the Petitioner is not entitled to any relief under this reference. The parties are directed to bear their costs.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 24th day of July, 1995.

A. HANUMANTHU, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined
for Petitioner:
NIL

Witnesses Examined
for Respondent:
NIL

Documents marked for the Petitioner:

NIL

Documents marked for the Respondent by consent

- Ex. M1. Charge Sheet cum suspension order dt. 26-3-1984 issued to D. Shankar by the Regional Manager. Disciplinary authority, Union Bank of India, Regional Office, Hyderabad.
- Ex. M2 Order dt. 29-6-1984 appointing I.D. Benjamin as Enquiry Officer.
- Ex. M3 Enquiry proceedings held on 15-2-85 11-12-1984 and 17-10-1984.
- Ex. M4 Findings of the Enquiry Officer dt. 4-3-85.
- Ex. M5 Show cause notice of dismissal dt. 4-3-85 in Ex. M4 at page 31.
- Ex. M6 Proceedings of personal hearing dt. 14-3-85.
- Ex. M7 Dismissal order dt. 19-3-85 issued to D. Shankar.
- Ex. M8 Copy of the appeal dt. 20-5-1987 preferred by D. Shankar to Assistant General Manager, Union Bank of India.
- Ex. M9 Order dt. 18-6-85 with regard to grant of Personal hearing passed by Superintendent, Union Bank of India, Department of Personnel, I.R. Section C/O Bombay in view of the appeal preferred by D. Shankar.

Ex. M10 Minutes of personal hearing submitted by D. Shankar.

Ex. M11 Order dt. 3-7-1985 of the Appellate Authority on the appeal preferred by D Shankar.

Industrial Tribunal-I

नई दिल्ली, 12 अक्टूबर, 1995

का. आ. 2880:—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हांग कांग बैंक के प्रबन्धसूत्र के संबद्ध नियोजकों और उनके कर्मकरों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई—नं. 1 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-10-95 को प्राप्त हुआ था।

[संख्या एल-12012/23/93-आई आर बी आई-1]
पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 12th October, 1995

S.O. 2880.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay, No. 1 as shown in the Annexure in the industrial dispute between the employers in relation to the management of Hongkong Bank and their workmen, which was received by the Central Government on the 12-10-95.

[No. L-12012/23/93-IR(BI)]

P. J. MICHAEL, Desk Officer
ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, BOMBAY
PRESENT:

Shri Justice R. S. Verma Presiding Officer
Reference No. CGIT-1/12 of 1993

PARTIES:

Employers in relation to the management of
Hongkong Bank.

AND

Their Workmen

APPEARANCES:

For the Management : Shri Shah, Advocate.

For the Workmen : Shri Nargolkar, Advocate.

INDUSTRY : Banking STATE : Maharashtra.

Bombay, dated 25th September, 1995

AWARD

The appropriate Government has referred the following dispute to this Tribunal for adjudication.

“Whether the action of the management of Hong-Kong Bank in not considering

Mrs. Nisha Ghatkar for the post of Special Assistant with effect from September, 1991 is justified? If not, to what relief the workman is entitled to?

2. The case of workman Mrs. Nish Ghatkar, shorn of unnecessary details, is that she joined services under the Hongkong & Shanghai Banking Corporation Limited, hereinafter called the Bank, on 01-07-1980 as clerk cum cashier cum typist. Certain vacancies for the promotional post of Special Assistant occurred w.e.f. 01-09-1981. The vacancies were duly notified to enable the eligible candidates to apply for selection to the vacancies. The workman Mrs. Nisha Ghatkar also duly applied for selection to the post of Special Assistant. The workman was active trade Union worker and was General Secretary of the Employees Union. She became an eyesore to the management for espousing the grievances of the employees. Hence, the management in a vindictive manner, did not promote the workman but promoted persons junior to her. She was denied the promotion mala fide. It was, therefore, claimed that the workman be promoted to the post of Special Assistant.

3. The management has opposed the claim. It has denied charges of victimisation. It was pleaded that according to relevant settlement dt. 26-9-1986, the selection of Special Assistant was to be done on merit giving due weightage to seniority at the discretion of the management. It's case is that the workman was deliberately attending Office late. Her performance appraisal reports were not upto mark for the years 1989, 1990 and 1991. There were adverse remarks against the workman. Hence Ms. V. Ashok and Ms. Smita Mudgal, who were junior to the workman and had better appraisal reports were promoted.

4. Both the sides have led documentary as well as oral evidence in support of their case. I have heard both the sides at some length.

5. The admitted situation, which has emerged during the course of trial is that Ms. V. Ashok, who was being supposed to be junior to the workman, was not really junior to her and was senior to her, the date of joining service in respect of Mrs. V. Ashok being 23rd June, 1980 and not 20-7-1980 as shown in Exhibit 'A' (Exhibit W-1) filed by the Union. This position has been made abundantly clear in statement of Mr. John Curicutt dated 09-12-95. Shri Nargolkar has not challenged this position and has very fairly and frankly conceded that Mrs. V. Ashok was senior to the workman and Mrs. Smita Mudgal was the only person junior to the workman, who had been promoted by passing the claim of the workman.

6. Shri Nargolkar has, however, contended that admittedly adverse entries in the appraisal reports

of the workman had not been conveyed to her; she was not given an opportunity of explaining the adverse entries and hence the consideration of by the Selection Committee was based upon impermissible material and this has vitiated consideration of the workman and hence the adverse APRs should be ignored and the Tribunal may direct promotion of the workman ignoring the adverse reports.

7. On behalf of the Bank, this position has been admitted by the Learned Counsel for the Bank that adverse entries had not been conveyed to the workman. But, it is contended that since the workman was habitual late comer and memos had been served upon her in this regard, the Tribunal should hold that the workman was rightly not promoted and hence should not interfere in the non-promotion of the workman.

8. I have considered the rival contentions. I have gone through the format of Job Performance Appraisal Reports, for short APRs. There are five ratings viz. 1 to 5 for the assessment of the annual performance of an employee. There are as many as thirteen traits or headings, for which ratings have been to be given. These are—(i) Job Competence; (ii) Quality of work; (iii) Efficiency; (iv) Dependability and responsibility; (v) Communication; (vi) Co-operation; (vii) Initiative and drive; (viii) Adaptability; (ix) Appearance and Turnout; (x) Resourcefulness; (xi) Discipline; (xii) Attitude toward criticism and (xiii) Career consciousness. Then, there is overall evaluation of job performance as follows: (i) outstanding; (ii) Exceeds requirement at times; (iii) meets requirements normally and (iv) marginal; must improve to satisfactory.

9. It would thus be seen that punctuality, which is a component of discipline, is only one of the thirteen factors to be kept in view for appraising performance of an employee. It is not the sole or the only determinative component. An employee may be habitually nonpunctual but on other factors may score very high ratings, entitling him to a meritorious portion than an employee, always very very punctual but lacking in other qualities which may bring him/her appraisal graph to a dismissal poor or unsatisfactory. What weightage has to be given for punctuality is the job of the Officer evaluating the performance of an employee? This Tribunal cannot substitute its wisdom for the wisdom of the reporting/reviewing authority or for that matter the wisdom of the Selection Committee. Hence, it is not for this Tribunal to say if habitual non punctuality of the workman would so affect her merit, as to render her ineligible for promotion as compared to her junior or seniors.

10. Suffice it to say that when adverse reports had been recorded for three years, and they were not conveyed to the workman and she was not given any opportunity to challenge the adverse entries, her consideration for promotion entirely rested upon impermissible material and this has vitiated

consideration of her case by the Selection Committee. It is not for me to say or to anticipate as to what would have been the result of consideration by the Selection Committee, if the APRs did not contain adverse entries qua the workman. I am, however, clear in my mind that Selection Committee wholly acted upon impermissible material which vitiated the consideration of the case of the workman.

11. In the aforesaid premises, I am of the view that it is a fit case, where the case of the workman deserves to be so reviewed, in a manner that impermissible material does not affect the case of the workman. Hence, I direct that within one month of this Award the reporting Officer (appraiser) shall convey the adverse entries to the workman; within 15 days from receipt of communication of the adverse entries, the workman shall make her representation against the remarks to the reviewing Officer who shall be a person other than the appraiser; within next 15 days thereof and after giving the workman an opportunity of personal hearing, the reviewing Officer shall decide the representations of the workman by a speaking order. After all this has been done and within one month of the decision on the representations of the workman, the case of promotion of the workman shall be put against before the Selection Committee, which shall be other than the appraiser and the reviewing Officer. If the Selection Committee finds, that the workman was equally meritorious or more meritorious than her juniors, then by giving due weightage to her seniority, she shall be promoted to the post of Special I Assistant with effect from the date her juniors had been promoted with all consequential benefits. In case, the Selection Committee is still of the view that the workman, was less meritorious than her juniors already promoted inspite of due weightage for seniority, the workman shall not be entitled to any promotion against the vacancies of 01-09-1991.

12. In the circumstances of the case, the parties shall bear their own costs.

R. S. VERMA, Presiding Officer

Dt. 25-9-1995.

नई दिल्ली, 13 अक्टूबर, 1995

का.आ. 2881.—भारत के राजपत्र, असाधारण, भाग-II, खंड 3, उपखंड (ii) में दिनांक 27 जनवरी, 1995 को प्रकाशित राष्ट्रपति सचिवालय की अधिसूचना सं. का.आ. 60(ई), दिनांक 23 जनवरी, 1995 के पैराग्राफ (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार 1 नवम्बर, 1995 को उस तारीख के रूप में नियत करती है जिस तारीख से कर्मचारी भविष्य निधि एवं प्रकीर्ण उपग्रह अधिनियम, 1952 (1952 का 19) के उपबन्ध सिक्रिम राज्य में प्रभावी होंगे।

[सं. एम्-35011/9/94-एसएम-II]

आर.के. रानी, संयुक्त सचिव

New Delhi, the 13th October, 1995

S.O. 2881.—In exercise of the powers conferred by paragraph (2) of the President's Secretariat notification No. S.O. 60(E), dated the 23rd January, 1995, published in the Gazette of India, Extraordinary, in Part-II-Section 3-Sub-section (ii), dated 27th January, 1995, the Central Government hereby appoints the 1st day of November, 1995, as the date on which the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), shall come into force in the State of Sikkim.

[F. No. S-35011/94-SS.II]
R. K. SAINI, Jt. Secy.

नई दिल्ली, 13 अक्टूबर, 1995

का.प्र. 2882.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार को एकल केबल प्रोजेक्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-95 को प्राप्त हुआ था।

[संख्या एल-40012/210/91-आईआर(डीयू)]
के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 13th October, 1995

S.O. 2882.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Dvl. Engineer, Co-axial Cable and their workmen, which was received by the Central Government on 5-10-95.

[No. L-40012/210/91-IR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

Case Ref. No. CGIT/LC(R)(142)/1992
BETWEEN

Shri Chhehatar Zadu Pandhere R/o Singodi,
Post Gopalganj, District Seoni (MP)-
480 664.

AND

The Divisional Engineer, Co-exial Cable Project, Giripeth, Nagpur (MS)-440 001.

PRESIDED IN:

By Shri Arvind Kumar Awasthy.

APPEARANCES :

For Workman : Ku. Sulekha Kumbhare,
Advocate

For Management : Shri C. S. Kabade

'INDUSTRY : Cable Project DISTRICT :
(Nagpur (MS).

AWARD

Dated : September, 26 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-40012/210/91-IR(DU) Dated 25-6-1992 for adjudication of the following industrial dispute:—

SCHEDULE

"Whether the management of Divisional Engineer, Co-axial Cable Project, Giripeth, Nagpur is justified in terminating the services of Shri Chhehatar Zadu Padhare w.e.f. 16-1-87 ? If not, what relief he is entitled to ?"

2. The case of the workman is that he was working with the management since 1982 and he was being paid @ Rs. 30 per day; that the workman has worked for more than four years and the services of the workman were illegally terminated with effect from 16-1-1987; that the management has not paid retrenchment compensation and served the required one month's notice. The workman has prayed for reinstatement and back wages.

3. The workman has not appeared inspite of repeated notice. It is clear that the parties are not interested in pursuing the dispute. No dispute award is hereby passed. No order as to costs.

ARVIND KUMAR AWASTHY, Presiding
Officer

नई दिल्ली, 13 अक्टूबर, 1995

का.प्र. 2883.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्टीग्रेटेड फिशरीज प्रोजेक्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, एरनाकुलम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-10-95 को प्राप्त हुआ था।

[संख्या एल-42011/47/91-आईआर(डीयू)]
के.वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 13th October, 1995

S.O. 2883.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Ernakulam as shown

in the Annexure, in the Industrial dispute between the employers in relation to the management of Integrated Fisheries Project and their workmen, which was received by the Central Government on 6-10-95.

[No. L-42011/47/91-IR(DV)]

K.V.B. UNNY, Desk Officer.

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(Labour Court, Ernakulam)

(Thursday, the 29th day of August, 1995)

PRESENT :

Shri Varghese T. Abraham, B.A. LL.M.
Presiding Officer.

Industrial Dispute No. 10 of 1992 (C)

BETWEEN

The Director, Integrated Fisheries Project,
Fore Shore Road, Ernakulam, Cochin-16.

AND

The General Secretary, Indo-Norwegian Project Employees' Association, C/o Integrated Fisheries Project, Ernakulam, Cochin-16.

Representations:

Sri V. V. Sidharathan,
Addl. Central Govt. Standing Counsel,
D.H. Road, Kochi-16.

.....For Management

Sri T.C. Govindaswamy,
Advocate, Karikkamuri,
Kochi-11.

.....For Union.

AWARD

The Government of India as per order No. L-42011/47/91-IR(DU) dated 10-4-92 referred the following Industrial Dispute for adjudication:—

"Whether the action of the management of Integrated Fisheries Project, Ernakulam in denying work and wages on 10-8-91 and thereby also denying wages for the succeeding Sunday falling on 11-8-91 to Shri T.P. Sajeev and 7 others casual labourers engaged in the Processing Section is justified? If not, what relief the said workmen are entitled to?"

2. The workmen filed claim statement alleging as follows:

The Processing workers engaged by the management were getting paid weekly off and holidays

from the very inspection of their service. The present workers were engaged since January 1985 in the processing unit of the management and it is covered by the Factories Act. They were engaged on all days regularly and were paid wages for the working days as well as the weekly off days and for the eligible holidays declared by the management during the last 7 years. On 9-8-91 the management issued a notice stating that on 10-8-91, being the second Saturday for the whole of the industrial establishment, there will not be any work for the said workers. Since the workers are engaged on regular basis. The action of the management to declare holidays and denial of wages for two days is illegal and against the canons of law and justice. It is a fact that they are being engaged for the work the very next working day i.e. on Monday. The allegation of the management that there was no raw material in the factory to work on Saturday is not correct. The engagement of the workers on the next day evidence the fact that there were raw material in the factory to work on at day also. What is not available on Saturday cannot be made available on Monday, since Sunday is a holiday and no supply of raw materials takes place on Sundays. The workers are governed by the Minimum Wages Act and the rules made thereunder. As per rule 23 of the Minimum Wages (Central) rules 1950, every employee shall be allowed a day of rest if the employee has worked under the same employer for a continuous period of not less than six days. For the purpose of computation of six days, any day on which an employee is laid off, any leaves or holiday with or without pay granted by the employer to an employee in the period of six days immediately preceding the rest day shall be deemed to be days on which the employee has worked. Failure to provide work for want of raw material amounts lay off and they are entitled to get compensation on Saturday as well. Even otherwise Saturday was a declared holiday. For these reasons the workers are eligible to be paid on 10-8-91 and 11-8-91.

3. The management filed a counter contending inter-alia that the dispute is not maintainable in law, the allegations in the claim statement are unsustainable in law and that Integrated Fisheries Project, Kochi is an industry and some of the Project are covered under the Factories Act also. From June 1985 the Government of India introduced five day week in the administrative offices of the Central Government. But the Government of India exempted this department from the purview of the five day week schedule, since the department is an industry and some of the units are registered under the Factories Act also. The claim of workmen that denial of wages for the closed holidays is illegal. They are casual workers engaged on daily basis for processing of fish

when the raw material is available. 9-8-91 was a second Saturday and it was a closed holiday for the department. The workers are entitled to get wages for intermittent holidays coming in a week as also for second Saturdays. The allegation that there were sufficient raw material for engaging them on second Saturday also is false. The workers involved in the dispute were engaged for the processing of fish whenever raw materials are available. When fish was not in adequate stock and when it was a holiday for the project there was no necessity for engaging casual labourers on such days. It is not possible to engage casual workers for the sake of payment of wages on second Saturdays without having any urgent work which can be put off for the next day. In addition to the wages, the department will have to incur overtime allowance for supervisory staff, cost of water, power etc. The management was unable to give work to 25 percent of the regular processing workers on these days. Taking a lenient view and considering the fact that the workers have been engaged since 1985 onwards, the workmen have been engaged on all working days for cleaning the factory floor, washing etc. The claim that the workers are entitled to compensation or Saturday as well as paid rest on Sunday is not correct and denied. The workmen are not eligible to be paid on 10-8-91 and 11-8-91. They are not eligible to layoff compensation on 10-8-91 and paid rest day on 11-8-91. There is no illegality in denying the wages on these days.

4. The workmen filed a counter reiterating the averments in the claim statement and controverting the contentions put forward in the written statement.

5. MW1 is examined on the management side and W1 is examined on the workers side.

6. The point that arises for consideration is whether the workers are entitled to get wages on 10-8-91 and 11-8-91?

7. The point: Admittedly the workers were casual and daily paid employees. 10-8-91 was a second Saturday and 11-8-91 was a Sunday. According to WW-1 till 10-8-91 the workers had worked for all days including Saturday. The first denial of work was on 10-8-91. On 11-8-91, the Sunday, also no work was given, and no wages were paid for these days. He has further sworn that when the work was closed on 9-8-91 there were sufficient materials and sufficient fish for the next day. It is further sworn by WW1 that they were paid wages even if in those days where raw materials were not available. The workers work only in the fish processing unit. As against the evidence of WW1, the management's evidence consists of the testimony of MW1 who is Deputy Director of Integrated Fisheries Project, Kochi. According to him the workers involved in the dispute are daily wages' workers. It is

his case that the workers are not entitled to get wages for the Sunday and second Saturday. It is deposed that there was no urgent work on 9-8-91. In cross examination MW1 states that from the inception of the project Saturday was a closed holiday. According to rule 23 of the Minimum Wages (Central) rules 1950 and employee to whom minimum wages has been fixed shall be allowed day of rest every week which is referred to as "the rest day". This rest day shall be ordinarily a Sunday but the employer may fix any other day of week as the rest day. Explanation to rule 23 reads:

"For the purpose of computation of the continuous period of not less than six days specified in the first proviso to this sub-rule (a) any day of which an employee is required to attend for work but is given only an allowance for attendance and is not provided with work,

(b) any day on which an employee is laid off on payment of compensation under the Industrial Disputes Act, 1947 (and

(c) any leave or holiday, with or without pay, granted by the employer to an employee in the period of six days immediately preceding the rest day) shall be deemed to be days on which the employee has worked."

In the case on hand second Saturday can also be taken as a holiday declared and Sunday can be taken as a day of rest. In such a situation the workers are entitled to get wages for the disputed two days. If such an interpretation is not given an employer may be in a position to divest the workers the right to get minimum wages by declaring one day in a week as a holiday. Workers are entitled to avail the benefits of second Saturday and also Sunday as a usual holiday. In such a situation the denial of wages for these two days by the management is illegal and unsustainable. Points so found in favour of the workers.

8. In the result, an award is passed in favour of the workers by answering the reference, that the action of the management in denying work and wages on 10-8-91 and 11-8-91 is unjustifiable and hence the workers are entitled to get wages for these two days.

Ernakulam, 29-8-1995.

VARGHESE T. ABRAHAM, Presiding Officer.

APPENDIX

Witness examined on the side of Management:
MW1: Sri. Ravinathan.

Witness examined on the side of workman:
WW1: Sri. T. P. Sajeev.

नई दिल्ली, 13 अक्टूबर, 1995

का.सा. 2884.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टैलीफोन के प्रबंधकों के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपर को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-95 को प्राप्त हुआ था।

[संख्या एल-40012/45/88-डी-II(बी)]

के वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 13th October, 1995

S.O. 2884.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Telephones and their workmen, which was received by the Central Government on 5-10-95.

[No. L-40012/45/88-D-II(B)]

K. V. B. UNNY, Desk Officer.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

Case Ref. No. CGIT/LC(R)(212)/1992

BETWEEN

Shri Jagdish Manikrao Yeole, Kabir Nagar, Plot No. 122, Nari Road, Nagpur (MS)-16.

AND

The Sub-Divisional Officer (Phones), Itwari, Nagpur-(MS)-44001.

PRESIDED IN:

By Shri Arvind Kumar Awasthy.

APPEARANCES:

For Workman : Ku. Sulekha Kumbhare, Advocate.

For Management : Shri Chhetani.

INDUSTRY: Telephones DISTRICT: Nagpur (MS)

AWARD

Dated, September 22, 1995

This is a reference made by the Central Government, Ministry of Labour, vide its Notification 2483 GI/95—13

No. L-40012/45/88-D-II(B) Dated 19-7-1989, for adjudication of the following industrial dispute:

SCHEDULE

"Whether the action of the management of Telephones, Nagpur in terminating the services of Shri Jagdish Manikrao Yeole w.e.f. 1-12-86 is justified? If not, what relief the concerned workman is entitled to?"

2. The case of the workman is that the management used to provide the work to the worker in the fake name and likewise the workman, Jagdish Manikrao Yeole, was given work in the fake name of Gyandish; that the workman made the complaint to the higher authority about the malpractice of the management; that the management has illegally terminated the service of the workman w.e.f. 1-12-86. The workman has prayed for reinstatement with full back wages.

3. The case of the management is that in November, 1984 some casual labourers were recruited by the department of telephone calling the names from the Employment Exchange, Nagpur and after interview one candidate viz. Gyandish Manikrao Yeole was given appointment; that during enquiry, the workman whose actual name is Jagdish was found working in the name of Gyandish; that the services of the workman were terminated on account of the alleged misrepresentation.

4. Following are the issues in this case.

ISSUES

1. Whether the enquiry is just proper and legal?

2. Whether the management is entitled to lead evidence before this Tribunal?

3. Whether the charges of misconduct are proved on the facts of the case?

4. Whether the punishment awarded is proper and legal?

5. Relief and costs?

5. Issue No. 1 & 2 : Workman has admitted the enquiry papers. Workman has failed to prove that the principles of natural justice were violated during the enquiry. There is nothing in the enquiry or in the statement of claim to show that the management has committed irregularity in the departmental enquiry. Consequently, Issue No. 1 and 2 are decided in favour of the management.

6. Issues No. 3, 4 and 5 : From the perusal of the statement of claim, it is clear that the workman has admitted that his actual name is Jagdish Manikrao Yeole but he was working in the fake

name of Gyandish. The workman has also admitted during the enquiry and also before the Asstt. Labour Commissioner that he has worked in the fake name of Gyandish. The workman has written letter 29-7-83 to the Secretary Ministry of Communication and the workman has admitted therein that he received the appointment in the name of Gyandish instead of his actual name and continued to work under the Assistant Engineer (Phones). Consequently, it is clear that the workman is guilty of misrepresentation and impersonation and was working in the fake name. The workman has alleged that he worked in faked name because of the malpractice committed by the management. The workman has failed to show that the management is guilty of providing the employment to him in the fake name. Consequently, issues 3 and 4 are answered in favour of the management and the workman is not entitled for any relief. Action of the management of Telephones, Nagpur in terminating the services of Shri Jagdish Manikrao Yeole w.e.f. 1-12-86 is justified. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 13 अक्टूबर, 1995

का.प्र. 2885.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-10-95 को प्राप्त हुआ था।

[सं. एल-22012/236/93-आईआर(सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 13th October, 1995

S.O. 2885.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of SCC Ltd., and their workmen, which was received by the Central Government on the 11-10-95.

[No. L-22012/236/93-IR(C-II)]

RAJA LAL, Desk Officer.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT:

Sri A. Hanumanthu, M.A. LL.B, Industrial Tribunal-I.

Dated: 5th day of August, 1995

INDUSTRIAL DISPUTE NO. 44 OF 1993

BETWEEN

The General Secretary,
S.C. Employees Council (INTUC),
Bellampalli (PO) Adilabad, Pin. 504251.

.. PETITIONER.

AND

The Chief General Manager,
M/s S.C.Co. Ltd. Bellampalli (PO).
Adilabad District (AP)-504251.

..... RESPONDENT.

APPEARANCES :

M/s. A. K. Jaya Prakash Rao, V. N. Goud,
T.V. Ravindra Kumar and K. Srinivas
Rao, Advocates for the Petitioner.

M/s K. Srinivasa Murthy and G. Sudha, Adv-
vocates for the Respondent.

AWARD

This is a reference made under Section 10(1) (d) and (2A) of the Industrial Disputes Act, 1947 by the Government of India, Ministry of Labour, by its Order No. L-22012/236/93-IR (C.II), dt. 18-11-1993 to this Tribunal for adjudication of the dispute mentioned in the schedule which reads as follows :—

“Whether the action of the management in not granting any upgradation relief on completion of 10 years service (from 24-10-76 to 24-10-86) as ward boy as per company's cadre scheme while fixing up the basic pay of Sri Bitti Rajaiah as Operation Theatre assistant on 22-12-86 is legal and justified? If not, to what relief the workman is entitled to?”

The said reference has been registered as Industrial dispute No. 44 of 1993 on the file of this Tribunal.

2. The Petitioner and the Respondent filed their respective claims statement and counter. After giving many adjournments and finally on 5-8-1995 this Tribunal passed the following order:

Counsel for the Petitioner submits that his client has not come to Court due to an accident and that the matter may be adjourned to 19-8-1995 and the cost will be paid on that day. The petitioner is consistently absent from the beginning. Matter was adjourned on 17-5-95 to 5-6-95 on payment of cost of Rs. 25. On 5-6-95 cost paid and again the petitioner was not ready. Hence again

adjourned to 22-6-95 on payment of further cost of Rs. 50. on 22-6-95 costs paid and again the petitioner was not ready and adjourned to 6-7-95 on payment of further cost of Rs. 100 and on 6-7-95 costs paid and again reported not ready and therefore adjourned to 5-8-1995 on payment of further costs of Rs. 200 and today again the counsel for Petitioner reports not ready. He is not even prepared to pay the day costs ordered earlier. He has not even filed petition for adjournment. He is taking things for granted that the matter will be adjourned. It is an old matter. Sufficient time has been granted and inspite of it the petitioner and his counsel are not getting ready. Hence I do not find any sufficient reason to adjourn the matter any further. The petitioner is called absent and set exparte.

The counsel for Respondent submits that the Respondent is not intending to adduce any evidence as the petitioner has been set exparte. Hence the reference is closed as there are no triable issues?"

3. Under the circumstances stated above, the reference is closed as there are no triable issues.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 5th day of August, 1995.

A. HANUMANTHU, Industrial Tribunal-I

नई दिल्ली, 13 अक्टूबर, 1995

का.प्र. 2886—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.टी.एन.एल. के प्रबन्धतंत्र के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई नं. 2, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-10-95 को प्राप्त हुआ था।

[संख्या एल-40011/21/90-आईआर(डीयू)]
के. वी. वी. उन्नी, डेस्क अधिकारी

New Delhi, the 13th October, 1995

S.O. 2886.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Bombay as shown in the Annexure, in the Industrial dispute between the employers in relation

to the management of MTNL and their workmen, which was received by the Central Government on 6-10-1995.

[No. L-40011/21/90-IR (DU)]
K.V.B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2
BOMBAY

SHRI S. B. PANSE

PRESIDING OFFICER

REFERENCE NO. CGIT-2/25 of 1991

EMPLOYERS IN RELATION TO THE MAN-
AGEMENT of MAHANAGAR TELEPHONE

NIGAM LIMITED

AND

THEIR WORKMEN

APPEARANCES :

For the management : M/s. Bhaishankar
Kanga & Girdharilal Advocates.

For the workman : M.B. Anchan Advocate.
BOMBAY, dated 22nd September, 1995.

AWARD

The Government of India, Ministry of Labour by its letter No. L-40011/21/90-IR(DU), dated 19-4-1991 had referred to the following industrial dispute for adjudication:—

"Whether the management of Mahanagar Telephone Nigam Limited, Bombay are justified in terminating the services of
(1) S/Shri Vijay K. Jadhav

(2) „ Dagadu B. Jadhav

(3) „ V. Devadiga and

(4) „ Raju L. Chaverkar.

who were in continuous service, by their Notice dated 29-5-1989 and deny them the benefit, of the recommendation of Fourth Pay Commission inspite of direction of Supreme Court? If not to what relief are these workman entitled to?"

2. The General Secretary filed the Statement of Claim for the concerned workmen. It is contended that the workers were denied equal wages and benefits as applicable to the employees of the Bombay Telephones as it then was. The Supreme Court in a matter before it filed by some of the employees of the canteen had given directions to that effect. After getting such direction the Association and the workers agitated to make the payment of

wages as per Fourth Pay Commission, the Mahanagar Telephone Nigam Ltd., has abruptly terminated the services of the workers without any proper or valid reasons.

3. The Union Contended that the 'B' type canteen is sanctioned by the Govt. to the Mhatre Pen Building Exchange. There should be 15 employees till 31-12-1988, but there was 750 employees and at that time there was 'A' type canteen with 19 employees. Due to the shifting of Telephone House, Frabhadevi some of the workers were transferred, while making such arrangement no notice was given under Sec. 9A of the Industrial Disputes Act. The workers were reduced due to such shifting. It is averred that as no permission from appropriate Govt. is taken for such a termination it is void as per Sec. 25N of the Industrial Disputes Act.

4. The Union contended that the dispute was taken before the Assistant Commissioner of Labour (Central). He sent a negative report on 30th November, 1989 at about 2.30 p.m. The management thereafter on 2nd December, 1989 sent notice of termination which is contrary to the Sec. 23A of the Industrial Disputes Act, and the retrenchment become illegal. It is pleaded that the procedure for retrenchment was not violated. The workers were not given compensation, hence the termination becomes void. It is-pleaded that the mandatory provisions of Sec. 25F and 25N are violated.

5. In view of the above said circumstances it is submitted that the 4 employees may be reinstated in service with full backwages and continuity of service with other reliefs.

6. The management resisted the claim by the written statement at Ex. 5. It is averred that the 4 labourers were employed as a counsel labour by the committee of the Mhatre Pen canteen and that they were not on the muster rolls at all. It is averred that the payment were not made to these workers on the basis of cash vouchers and the remaining 13 workers were paid on the muster roll and that the list of the same were sent every month to the Welfare Section. The committee decided that these four labourers were not entitled for any benefits of the recommendation of the pay commission.

7. The management pleaded that the canteen was 'A' Grade. Only 13 members were engaged and paid and other 4 members were paid on cash vouchers. When it became 'B' Grade these 4 labourers were removed as per the directions of A.G.M. III as they were surplus. It is averred that the labourers were not on the muster rolls hence they were not served with one months notice. It is submitted that the workers were paid Rs. 300 per month and later on they were paid @ Rs. 500 per month. It is submitted that as workers were not on the pay roll. The MTNL submits that if they

were not employee of the MTNL the question of giving facilities to them regarding leave and other benefits does not arise.

8. It is submitted that as the provisions of retrenchment are not applicable, they were not paid any retrenchment compensation. It is submitted that as the canteen became 'B' Grade it was necessary for retrenchment and permission from the General Manager was not at all necessary because he had already issued order to that effect. It is submitted that the canteen employees are given all the benefits recommended by the Pay Commission, but in case of these 4 labourers the said rules are not applicable. It is averred that as the 4 workers were not the employees, they are not entitled to any benefits as claimed. It is averred that the workers are not entitled to any reliefs as claimed.

9. My learned predecessor framed issues at Ex. 6. The issues and my findings thereon are as follows.

ISSUES	FINDINGS
1. Whether the management of MTNL committed a breach of the provisions contained in Sec. 23(a) of the Industrial Disputes Act?	Yes
2. Whether the management committed a breach of the provisions contained in Sec. 25F and 25N of the Industrial Dispute Act?	Yes
3. Whether the management of MTNL, Bombay are justified in terminating the services of S/Shri (1) Vijay K. Jadhav, (2) Dagdu B. Jadhav, (3) Satish V. Devadiga and (4) Raja L. Chavanekar who were in continuous services, by their Notice dated 29-5-89, and deny them the benefit, of the recommendation of Fourth Pay Commission inspite of direction of Supreme Court	No
4. If not, what relief are those workmen entitled to?	
5. What Award?	As per order below

REASONS

10. Vijay K. Jhadav one of the worker filed his affidavit at Ex. 9, affirming all the contents stated

in the Statement of Claim. Satish V. Devadiga the another concerned worker filed his affidavit at Ex. 10 and corroborated Jadhav. His affidavit can also be seen to be just like that of a Statement of Claim. The first affidavit was filed on 23-3-1993 and the later affidavit was filed on 30-5-1995. The management was given sufficient time for cross-examination of the witnesses, but they did not turn up to the Court for cross-examination, they remained absent. It is therefore, whatever affirmed by these workers are accepted to be correct one.

11. Referring to the provisions namely Sec. 23A, Sec. 25F and Sec. 25N of the Industrial Disputes Act and the facts affirm by these two workers it has to be said that the management had violated the rules made in these Sections. There is no justification for the same.

12. As the management had not come before the Court to substantiate its actions, I accept the version of the workers which has gone unchallenged. I find that the action of the management in respect of the termination of these 4 workers who were in continuous service is not justified. It reveals that these workers were denied the benefit of the Fourth Pay Commission. It appears that the management had not given the benefit to them because they sought that their action is justified. I am not inclined to accept them. For all these reasons I record my issue and my findings accordingly and pass the following order.

ORDER

1. The management of MTNL, Bombay are not justified in terminating the Services of S/Shri (1) Vijay K. Jadhav, (2) Dagdu B. Jadhav, (3) Satish V. Devadiga and (4) Raja L. Chavamekar who were in continuous services by their notice dated 29-5-1989 and denied them the benefit of the recommendations of the Fourth Pay Commission inspite of the direction of the Supreme Court.
2. The management is directed to reinstate them within a month from today.
3. The management is directed to pay them full backwages from the date of their termination.
4. The management is directed to treat the services as continuous for all other perquisites.
5. The management to pay Rs. 300 as the cost of this reference to the Union.

22-9-1995. S. B. PANSE. Presiding Officer

नई दिल्ली, 13 अक्टूबर, 1995

का.आ. 2887.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बम्बई पोर्ट ट्रस्ट के प्रबन्धन के सबदे नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, बम्बई के पंचद को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-10-95 को प्राप्त हुआ था।

[संख्या एल-31011/8/92-आई.आर. (विदिध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 13th October, 1995

S.O. 2887.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bombay Port Trust and their workmen, which has received by the Central Government on the 12-10-1995.

[No. L-31011/8/92-IR (Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri S. B. Panse, Presiding Officer.
Reference No. CGIT-2/73 of 1993

Employers in relation to the Management of
Bombay Port Trust.

AND

Their Workmen.

APPEARANCES :

For the Management : Shri M. B. Anchan,
Advocate.

For the Workmen : P. G. UPARKAR,
Representative.

Bombay, the 25th September, 1995

AWARD

The Government of India, Ministry of Labour by its letter No. L-31011/08/92-IR (Misc.), dt. 1-10-93 had referred to the following Industrial Disputes Act for adjudication.

"Whether the action of the management of Bombay Port Trust, Bombay in refusing to grant, check off facility to BPT Mazdoor Sangh, Bombay is just, proper

and legal whereas it could be extended to several other unions operating in Port of Bombay? Whether such an action of the management of Bombay Port Trust, Bombay amounted to unfair labour practice u/s 2(ra) of Schedule Fifth of ID Act 1947? If so, to what relief is the union is entitled to?"

2. The General Secretary, Bombay Port Trust Mazdoor Sangh filed the Statement of Claim at Ex. 4. He contended that the Bombay Port Trust Mazdoor Sangh is a registered Trade Union under the Trade Unions Act of 1926 and had large majority of the employees of the BPT. It is affiliated to Bharatiya Mazdoor Sangh, a Central Trade Union, registered under the provisions of Trade Unions Act 1926.

3. The 'Sangh' by its letter dt. 3-1-90 represented to the Personnel Officer, Bombay Port Trust, to extend the "Check-off facility" to the Sangh. But the management was not ready to extend the said facility to Sangh, even though it extended the facility to other Union.

4. The Sangh then raised an Industrial Dispute before the Assistant Labour Commissioner. The management was called upon to file their written reply to the contentions of the Sangh. The Personnel Officer by his letter dt. 28-12-90 informed the Assistant Labour Commissioner that the facility of Check-off system has been extended by the BPT to well established Unions operating in its establishment and with whom usual correspondence is carried on. The Sangh does not carry appreciable membership from any of the departments of the BPT. It is further contended that in the interest of the Industrial harmony and peace it is not desirable to encourage mushrooming of minority Unions. Therefore, there is no correspondence with the Sangh and the facility cannot be extended to that Sangh.

5. The matter could not be settled before the Assistant Labour Commissioner, therefore, he sent a negative report. It is contended that there is no justification in the plea taken by the management of giving the facility to one Sangh and denied it to other. It is prayed that it may be declared that the Check-off facility is also applicable to the Sangh with other reliefs.

6. The management resisted the claim by the written statement Ex. 5. It is contended that the Tribunal has no jurisdiction to entertain the above reference as it cannot be called an industrial dispute. It is averred that it is the choice of the management to extend the facility to any Union and particularly the Minority Union cannot claim the said facility. It is submitted that there is no unfair labour practice as alleged by the Sangh. It is prayed that the reference may be answered in favour of the management.

7. The issues that fall for my consideration and my findings thereon are as follows.

ISSUES	FINDINGS
1. Whether the Tribunal has Jurisdiction to try the reference?	Yes
2. Whether the action of the management of BPT in refusing to grant check-off facility to BPT Mazdoor Sangh is just, proper and legal. Whereas it can be extended to several other unions operating in Port of Bombay?	No
3. Whether such action of the management of BPT, Bombay amounted to unfair labour practice u/s 2(ra) of Schedule Fifth of I. D. Act of 1947?	Yes
4. If so, to what relief is the Union entitled to?	They are entitled to the said facility.

REASONS

8. The Union and the management by their pursis Ex. 7 & 8 informed the Tribunal that they do not want to lead any oral evidence in the matter. They filed their written argument at Ex. 9 & 10 respectively.

9. Mr. Uparkar the learned representative of the Sangh opposed this case on the basis of the ratio given by their Lord Ships in State Bank Staff Union, State Bank of India Officers' Association and State Bank of India Union of India I.L.L.J. 1989/554. There their Lord Ships have observed.

- Check of facility is not extended under the authority of any provisions of law.
- Check-off facility is given under code of discipline which is not statutory in character and there is nothing to suggest that the check-off facility must be given only to recognised unions.
- Under payment of wages Act, 1923, Sec. 7(2) (KKK), check-off facility is given to individual employee on written request and union has no say in the matter.
- Management do not commit unfair labour practice by extending check-off facility to members of registered/unrecognised unions.
- Strength and financial status of recognised unions is not weakened by such extension.

- (f) Recognised unions cannot claim exclusive right of check-off facility when such right is not based on any statutory provisions.

10. It is not in dispute that the BPT Mazdoor Sangh came into existence in 1984. Prior to this extension the check-off system facility was given to other Unions in the BPT. It is not in dispute that the Industrial Disputes Act does not distinguish between recognised Union or Unrecognised Union. The Sangh is registered under the provisions of Trade Unions Act of 1926. There is also no distinction between Majority Unions or Minority Unions.

11. Mr. Anchan the learned Adv. for the management argued that there is no obligation under any law to grant or extend the check-off facility to one Union, but the management is within its rights to decide whether to extend such facility to another one union and if so, to which union. It is further argued that the management had extended the facility to those unions which are well established having operating in the Trust for number of years and representing the workers in respective establishments and thus carry a representative character.

12. As observed above the contention which is referred above which was taken by Mr. Anchan the learned Adv. for the management is not acceptable. By extending this facility to one Union and not to other is nothing but a discrimination. It can be said that it is unfair labour practice.

13. It is tried to argue on behalf of the management that the Check-off facility is a condition of service which is covered under the IV Schedule of the I.D. Act. This condition falls under the head of leave with pay or without pay, privileges, customary concessions etc. It is rightly argued that by not granting such benefits to the members of the Union is the other way of changing condition of service.

14. Mr. Uparkar the learned representative of the Union rightly argued, by not giving the facility to members of his union amounts to discrimination by the management to one set of members from the other set of members. Clause 13 of Schedule V of I.D. Act states that one of the unfair labour practice is breach of settlement or award. The circular which provides for "Introduction of Check-off system" constitute a condition of service and therefore, it is an implied agreement. Only not granting the benefit to the particular class of employees is against the other particular class of employees that amounts to unfair labour practice covers under Schedule V of the Industrial Disputes Act.

15. For the above said reasons the claim which is made by the Sangh amounts to an Industrial Dispute. It falls under Sec. 2(ra) of the Industrial Disputes Act which can be said to be unfair labour

practice. In the result I record my findings and my points accordingly and pass the following order.

ORDER

1. The action of the management of BPT in refusing to grant Check-off facility to BPT Mazdoor Sangh is not just, proper and legal. Whereas it can be extended to several other unions operating in Port of Bombay.
2. Such an action of the management of BPT, Bombay amounted to unfair labour practice under Sec. 2(ra) & Schedule V of Industrial Disputes Act 1947.
3. The management is directed to grant the Check-off facility to BPT Mazdoor Sangh.
4. The management to pay Rs. 300 as the cost of this reference to the Union and to bear its own.

S. B. PANSE, Presiding Officer
25-9-1995.

नई दिल्ली, 18 अक्टूबर, 1995

का.आ. 2888.—केन्द्रीय सरकार का यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित है कि मैग्नेसाइट खनन उद्योग को, जो औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की मद 24 के अन्तर्गत आता है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवा घोषित किया जाना चाहिए,

अतः औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (क) के उपखंड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए छः मास की कालावधि के लिए तत्काल प्रभाव से लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/8/85-डी-1(ए)]

एस. वेणुगोपालन, अपर सचिव

New Delhi, the 18th October, 1995

S.O. 2888.—Whereas the Central Government is satisfied that the public interest requires that the Magnesite Mining Industry, which is covered by entry 24 in the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares

with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/85-D-I(A)]
S. VENUGOPALAN, Under Secy.

नई दिल्ली, 18 अक्टूबर, 1995

का.प्र. 2889—केंद्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (क) के उपखण्ड () के उपबंधों के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.प्र. 1309 दिनांक 25 अप्रैल, 1995 द्वारा किसी भी तेल क्षेत्र में सेवा को उक्त अधिनियम के प्रयोजनों के लिए 28 अप्रैल, 1995 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था,

और केंद्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (क) के उपखण्ड (VI) के परन्तक पञ्चम शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 28 अक्टूबर, 1995

से छह मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करता है।

[संख्या प्रम-11017/5/85-डी-1(ए)]

एस. वेणुगोपालन, अवर सचिव

New Delhi, the 18th October, 1995

S.O. 2889.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 1309 dated the 25th April, 1995, the service in any Oil field to be public utility service for the purposes of the said Act. for a period of six months from the 28th April, 1995;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of the section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 28th October, 1995.

[No. S-11017/5/85-D-I(A)]
S. VENUGOPALAN, Under Secy.